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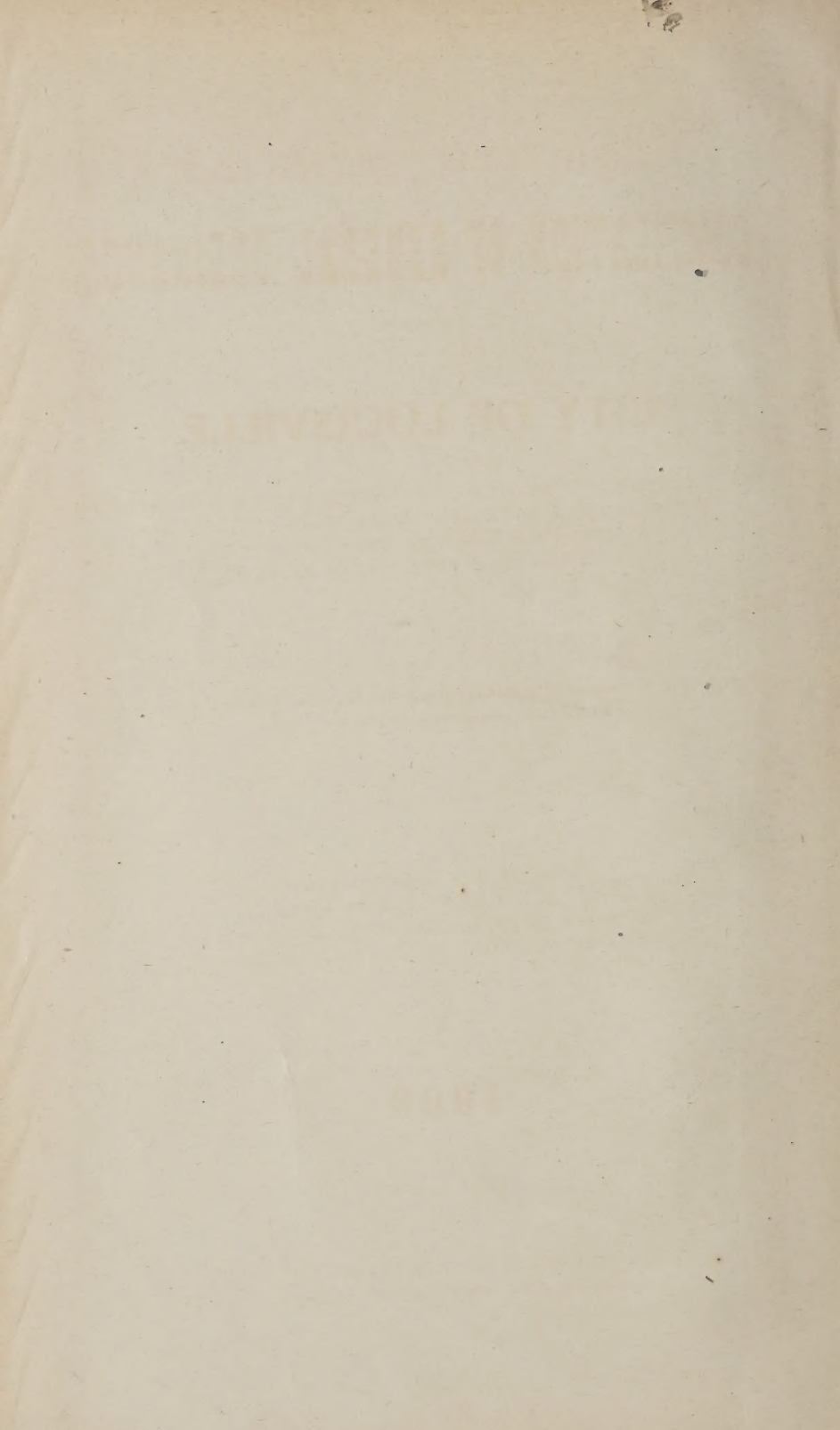
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EIGHTH BIENNIAL
COMPILATION OF GENERAL ORDINANCES
OF THE
CITY OF LOUISVILLE

INCLUDING THE ACT ENTITLED "AN ACT FOR THE GOVERNMENT OF
CITIES OF THE FIRST CLASS," APPROVED JULY, 1, 1893, AND
AMENDMENTS THERETO. WITH NOTES OF THE
DECISIONS OF THE COURT OF APPEALS.

**Published by Authority of a Resolution of the General Council of the City of
Louisville, Approved January 6, 1910.**

WILLIAM O. HEAD, MAYOR.
CLAYTON B. BLAKEY, CITY ATTORNEY.
HUSTON QUIN, 1ST ASS'T CITY ATTORNEY.
JOSEPH S. LAWTON, 2ND ASS'T CITY ATTORNEY.

1909

LOUISVILLE ANZEIGER COMPANY
INCORPORATED  LOUISVILLE, KY.

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CONTENTS.

	Page
Resolution of the General Council	6
Mayors of the City of Louisville	7
Presidents of the Board of Aldermen	8
Presidents of the Board of Councilmen	9
Members of the General Council	11
Elections by the General Council, and appointments to be approved by the Board of Aldermen	12
Resolution of Respect	15
General Ordinances	16, 892
List of positions under the various city departments, author- ity therefor with compensation.....	606
Sections of State Constitution applicable to cities of the first class	624
Act for the Government of Cities of the First Class	645
Organization of the General Council	824
Rules of the Board of Aldermen	826
Rules of the Board of Councilmen	832
Joint Rules of the General Council	839
Acts of the Legislature applicable to cities of the first class..	841
Index to General Ordinances	909
Index to Act for the Government of Cities of the First Class	943
Index to Rules of the Board of Aldermen	976
Index to Rules of the Board of Councilmen	979

RESOLUTION OF THE GENERAL COUNCIL.

4. Such provisions of the State Constitution as apply to cities of the first class.

5. The Act for the Government of Cities of the First Class, giving the same numbers of sections as in the Kentucky Statutes, with notes of decisions of the Appellate Court.

6. A list of positions under the various City Departments, authority therefor, with compensations.

7. A full and complete index of all the ordinances and matters directed to be published in said compilation.

8. The names of all the members of the present General Council.

9. Resolutions of respect adopted by the General Council upon the death of the late Chief of the Fire Department, Ben Dillon.

Approved January 6, 1910.

MAYORS OF THE CITY OF LOUISVILLE.

The first election under the Act of Incorporation took place on the first Monday in March, 1828.

John C. Bucklin, 1828-29-30-31-32-33.

John Joyes, 1834-35.

W. A. Coeke, 1836.

Fred Kaye, 1837-38-39-40-44-45-46.

D. L. Beatty, 1841-42-43.

Wm. R. Vance, 1847-48-49.

John M. Delph, 1850-51-52-61-62.

James S. Speed, 1853-54.

John Barbee, 1855-56.

W. S. Pilcher, 1857. Died August, 1858, when Thos. W. Riley was elected August 19, 1858, to fill the unexpired term.

T. H. Crawford, 1859-60.

William Kaye, 1863-64.

Phil. Tomppert, 1865; served until December 28, 1865.

Jas. S. Lithgow was elected to fill the unexpired term. He filled the office until February 14, 1867, when he resigned, and Phil. Tomppert took his seat, and filled the remainder of the term, when he was re-elected, and served for 1867-68.

Jos. H. Bunce, 1869.

John G. Baxter, 1870-71-72.

Chas. D. Jacob, 1873-74-75-76-77-78.

John G. Baxter, 1879-80-81.

Chas. D. Jacob, 1882-83-84.

P. Booker Reed, 1885-86-87.

Chas. D. Jacob, 1888-89-90.

Wm. L. Lyons, elected *pro tem.*, May 12, 1890.

Henry S. Tyler, 1891-92-93.

Henry S. Tyler, November, 1893, to his death, January 14, 1896.

R. E. King, *pro tem.*, January 14, 1896, to January 31, 1896.

Geo. D. Todd, January 31, 1896, to November 16, 1897.

Charles P. Weaver, qualified November 16, 1897, and served until November 19, 1901.

Charles F. Grainger, qualified November 19, 1901, and served until November 14, 1905.

Paul C. Barth, qualified November 14, 1905, and served to July —; 1907.

R. W. Bingham, qualified July, 1907, and served to November 12, 1907.

James F. Grinstead, qualified November 12, 1907, and served to November 16, 1909.

William O. Head, qualified November 16, 1909.

PRESIDENTS OF THE BOARD OF ALDERMEN.

William Riddle, 1851; resigned December 2, 1852.

James Speed, December 2, 1852-53; resigned November 14, 1854.

William Watkins, November 14, 1854; resigned April 2, 1855.

E. D. Weatherford, April 2, 1855; resigned December 6, 1855; re-elected, 1857; re-elected, 1859.

Fred Kaye, December 6, 1855; until April 11, 1856.

T. H. Crawford, April 8, 1858; resigned September 23, 1858.

A. Duvall, September 23, 1858, until April, 1859.

James Trabue, 1860.

Thomas Shanks, 1861.

Wm. F. Barret, 1862, and served until March 5, 1863.

A. Peter, March 5, 1863; resigned July 9, 1863.

Wm. Terry, elected July 9, 1863; served until April, 1864.

J. R. Brown, 1864-65; re-elected 1867, and resigned August 8, 1867.

John G. Baxter, 1866; resigned January 10, 1867.

G. W. Herbert, January 10, 1867, until April, 1867.

Wm. F. Rubel, August 8, 1867, until April, 1868; re-elected 1869-70-71.

J. H. Bunce, 1868.

Thomas L. Barrett, 1872-73.

D. Spaulding, Jr., 1874-75.

Wm. F. Rubel, 1876-77-78; resigned August 19, 1878.

J. C. Gilbert, August 19, 1878-79-80-81.

Dr. George W. Griffiths, 1882-83-84.

J. C. Gilbert, 1885-86-87.

Dr. George W. Griffiths, 1888-89.

A. A. Stoll, 1890.

Harry Stucky, 1891-92.

Chas. A. Wilson, 1893.

Charles F. Grainger, November, 1893, to November 1895.
R. E. King, November, 1895, to November, 1897.
Paul C. Barth, November, 1897, to November, 1898.
A. J. Ross, November, 1898, to November, 1899.
Charles T. Ballard, November, 1899, to November, 1900.
P. Booker Reed, November, 1900, to November, 1901.
Harry Weissinger, November, 1901, to November, 1902.
Paul C. Barth, November, 1902, to November, 1903.
Paul C. Barth, November, 1903, to November, 1905.
Owen Tyler, November, 1905, to November, 1907.
John D. Otter, July, 1907, to November, 1907.
Wm. Heyburn, November, 1907, to June, 1909.
Frank Reichert, June, 1909, to November, 1909.
Dr. John H. Buschemeyer, November, 1909.

PRESIDENTS OF THE BOARD OF COUNCILMEN.

Bland Ballard, 1851-52.
B. W. Pollard, 1853.
Charles Ripley, 1854.
Thomas W. Riley, 1855.
D. T. Monsarrat, 1856.
Andrew Monroe, 1857.
Thomas Shanks, 1858.
J. A. Gillis, 1859.
John Barbee, 1860.
W. P. Campbell, 1861.
G. W. Ronald, 1862.
John G. Baxter, 1863.
Wm. F. Barret, 1864.
T. C. Tucker, 1865.
D. Spaulding, Jr., 1866.
John D. Orrill, 1867.
Pat Bannon, 1868.
Wm. F. Duerson, 1869.
Charles R. Long, 1870-71-72-73.
Ed. F. Finley, 1874.
Wm. Kaye, 1875.
John McAteer, 1876.
Henry T. Jefferson, 1877-78.

R. C. Davis, 1879.
Laf. Joseph, 1880-81-82-83-84.
Dr. C. B. Blackburn, 1885-86-87.
Laf. Joseph, 1888; resigned June 14, 1888.
Henry S. Tyler, elected to fill vacancy June 14, 1888-89.
Wm. L. Lyons, elected to fill vacancy November 28, 1890-91.
Wm. F. Mayer, November, 1892, to November, 1893.
L. T. Davidson, November, 1893, to November, 1894.
T. P. Satterwhite, Jr., November, 1894, to November, 1895.
Herman M. Blatz, November, 1895, to November, 1896.
Frank I. Brocar, November, 1896, to November, 1897.
Samuel S. Blitz, November, 1897, to November, 1898.
Chas. P. Feeney, November, 1898, to November, 1899.
Theophilus Stern, November, 1899, to November, 1901.
F. J. Hummel, November, 1901, to November, 1902.
Samuel S. Blitz, November, 1902, to November, 1903.
Samuel S. Blitz, November, 1903, to November, 1904.
B. Buckel, November, 1904, to November, 1905.
Samuel S. Blitz, November, 1905, to November, 1906.
Charles D. Greer, November, 1906, to November, 1907.
Isadore Forst, November, 1907, to November, 1908.
Ebner Buyer, November, 1908, to November, 1909.
Samuel W. Greene, November, 1909.

MEMBERS OF THE GENERAL COUNCIL. ELECTED 1909.

BOARD OF ALDERMEN.

Pres. John H. Buschemeyer.	Fred. J. Leezer.
Ben J. Brumleve.	Samuel Leidigh.
B. J. Campbell, Jr.	J. Wm. Miller.
John M. Clifford.	R. Guy Parker.
George B. Coder.	C. W. Schmitt.
Henry A. Kremer.	James Treasy.

BOARD OF COUNCILMEN.

Pres. Samuel W. Greene.

W. P. Graves,	}	1st Ward.
John Neuhauser,		
Charles Mann,	}	2nd Ward.
Charles G. Russman,		
William M. Booher,	}	3rd Ward.
Philip J. Fleig,		
Jerome King,	}	4th Ward.
Ben Schulman,		
Thomas J. Garvey,	}	5th Ward.
J. A. Snyder,		
Frank Coblens,	}	6th Ward.
Mike Leone,		
Thomas Lawrence,	}	7th Ward.
Sam G. Tate,		
Samuel W. Greene,	}	8th Ward.
T. L. Morrow, Jr.,		
D. B. Coleman,	}	9th Ward.
M. J. McDermott,		
Randolph D. Thomas,	}	10th Ward.
Henry Wolff,		
C. J. Finnegan,	}	11th Ward.
C. F. Melton,		
Ben Sand,	}	12th Ward.
Ben C. Watson,		

ELECTIONS BY THE GENERAL COUNCIL.

And Appointments to be Approved by the Board of Aldermen.

IN NOVEMBER.

The Board of Aldermen and Board of Councilmen, at the organization of each, and annually thereafter, shall elect from its members a president thereof for one year. In his absence a president *pro tem.* shall be chosen from the members. Each board shall elect its clerk, and may elect a sergeant-at-arms.

There shall be elected a City Assessor by the General Council immediately upon the assembling of the new boards in November, 1905, and every four years thereafter. He shall have power to appoint, with the approval of the Board of Aldermen, such deputies and assistants as may be allowed him by ordinance.

The Tax Receiver shall have power to appoint, with the approval of the Board of Aldermen, such deputies as may be allowed him by ordinance.

The Mayor shall have power, with the approval of the Board of Aldermen, to appoint a City Buyer.

At the beginning of each new mayoralty term, the Mayor of the city of Louisville, with the approval of the General Council of said city, shall appoint a competent gas expert (who shall own no stock, or not be interested, directly or indirectly, in the Louisville Gas Company) as the City Gas Inspector, to serve until the next succeeding mayoralty term.

IN DECEMBER.

A Live Stock Inspector shall be elected on the first Tuesday in December, 1904, and every two years thereafter.

The Live Stock Inspector shall have power to appoint, with the approval of the Board of Aldermen, such deputies and assistants, with such salaries, as may be allowed them by ordinance.

There shall be appointed by the Mayor, with the approval of the Board of Aldermen, in the month of December, 1905, a Comptroller, for a term of four years, and in that month every four years thereafter.

A City Gauger shall be elected by the General Council in the month of December, 1904, and every two years thereafter.

IN MARCH.

Two Trustees of the University of Louisville, in March, 1904, and biennially thereafter, shall be elected by the Mayor and General Council, for a term of ten years. (Elliott's Digest, 306.)

The Mayor appoints each year, subject to the approval of the Board of Aldermen, one member of the Board of Water Works.

IN MAY.

The General Council shall elect in May, 1904, and annually thereafter, three members of the Board of Managers of the Industrial School of Reform, for a term of three years. (Elliott's Digest, 439.)

The Mayor and Council of the city of Louisville shall, in May of each year, appoint one manager of the Cook Benevolent Institution, who shall hold his office for one year. (Elliott's Digest, 257.)

One English and one German daily newspaper printed in the city of Louisville, and having the largest permanent circulation in said city, shall be elected by the General Council in May, 1904, and annually thereafter, to do the public advertising.

IN JULY.

The General Council shall, at its first regular meeting after the first Monday in July, 1904, and annually thereafter, elect four Directors of the Louisville Gas Company, who shall be bona fide residents of the city of Louisville, and each the holder in his own right of at least ten shares of stock in said company.

In the year 1908, before October 1st, and every five years thereafter, a Board of Arbitration to fix the price of gas shall be chosen as follows: Three civil engineers shall be selected, one by the Mayor, with the approval of the General Council, one by the directors of the Louisville Gas Company, and the other by the two so chosen. (See charter Louisville Gas Company, approved March 16, 1888.)

The Board of Equalization shall consist of three citizens of the city of Louisville, who shall be elected annually in the month of September by the Board of Aldermen.

IN OCTOBER.

The General Council shall, in the month of October, of each year, elect a Commissioner of the Sinking Fund, for a term of three years, to fill the place of the Commissioner whose term of service expires that year. (Burnett's City Code, 703.)

To-day an entire city mourns the loss of a brave official who died as he desired, responding to the call of duty.

WHEREAS, in the passing of Capt. Ben Dillon, Chief of the Fire Department, Louisville has suffered an irreparable loss;

THEREFORE, BE IT RESOLVED BY THE GENERAL COUNCIL OF THE CITY OF LOUISVILLE, That the Mayor, the members of the General Council and every executive officer of the City government tender to the family expressions of sympathy. Condolence cannot efface sorrow, but it can convey to the stricken family evidence of the high esteem in which the dead Chief is held by all citizens of high or low degree.

RESOLVED finally, That as a tribute of respect to the memory of the brave fireman, the engine houses of the Louisville Fire Department be marked in the garb of mourning for a period of thirty days.

RESOLVED FURTHER, That as a tribute of respect to Capt. Dillon, who had just entered upon the enjoyment of a promotion bravely and deservedly won, an engrossed copy of these resolutions, duly attested by the proper officials, be placed on record and then transmitted to the members of the grief-stricken family.

JAS. M. TREASY,
SAMUEL LEIDIGH,
CHAS. G. RUSSMAN,
BEN C. WATSON,
J. A. SNYDER.

Approved December 30, 1909.

GENERAL ORDINANCES.

ADVERTISING.

Public.

AN ORDINANCE to regulate the public advertising of the city of Louisville.

Be it ordained by the General Council of the city of Louisville:

§ 1. That all matters to be published or advertised in the newspapers, by ordinance, resolution, or by an act for the government of cities of the first class, shall be published in one daily newspaper in the English language and one printed in the German language.

§ 2. The General Council shall, in the month of May in each year, elect the two daily papers to do the public advertising.

§ 3. The proceedings of the General Council shall be published on the second day after the meeting.

§ 4. The compensation to be allowed for the public advertising shall not exceed 40 cents per square for each insertion.

§ 5. No display type shall be used in printing the official advertising. Nonpareil type shall be used for all official advertising.

§ 6. All ordinances or resolutions in conflict herewith be and are hereby repealed.

§ 7. This ordinance to take effect from and after its publication.

Approved August 30, 1901.

AMBULANCES.**Establishing Right of Way of Ambulances.**

AN ORDINANCE establishing the right of way for ambulances.

Be it ordained by the General Council of the city of Louisville:

§ 1. The ambulances of the Department of Public Safety, while engaged in going for or in carrying sick or wounded persons, shall have the right of way in the streets of the city, as against any person, carriage, or incumbrance, put, driven, or being in said streets; and no person shall obstruct said ambulances while so engaged, if there shall be an opportunity to get out of the way of the same.

§ 2. For the violation of the provisions of this ordinance the person shall be fined \$10.

§ 3. This ordinance shall take effect from and after its passage.

Approved February 20, 1895.

ANIMALS.**Cruelty to Animals.**

AN ORDINANCE prohibiting cruelty to animals.

Be it ordained by the General Council of the city of Louisville:

Any person who shall beat or otherwise injure or misuse a horse or other animal in an immoderate, cruel, or unnecessary degree, or who shall leave or cause to be left, any wounded, maimed, diseased, or worn-out horse or mule, on any street, alley, lot, or on the commons, to die a lingering death, shall, for each offense, be fined not exceeding \$50.

Approved August 25, 1868.

ANIMALS—DEAD.

AN ORDINANCE prohibiting the throwing of dead animals in the sewers of the city of Louisville.

Be it ordained by the General Council of the city of Louisville:

It shall be unlawful for any person to place or throw any dead animal or any substance in or near any catchbasin or sewer, whereby the flow of water through any sewer may become obstructed. Any person violating this ordinance shall be fined not less than \$10 nor more than \$20 for each offense.

Approved August 18, 1874.

ANIMALS—REGULATING REMOVAL OF.

AN ORDINANCE regulating the removal of the bodies of dead animals not slain for food or useful arts, through the public streets and alleys of the city of Louisville, and providing compensation therefor and penalties for violation of its provisions.

Be it ordained by the General Council of the city of Louisville:

§ 1. Hereafter it shall be the duty of the public contractor, for and during the period of his contract, to remove out of the city of Louisville and beyond the limits of the city of Louisville, as now or may be hereafter, established, the remains and carcasses of every dead horse, mule, mare, ox, steer, bull, cow, ass, hog, sheep, goat, calf, cat, dog, or other animal not smaller than a cat, that has not been slain for food or to be used in useful arts, and is found or may be within the limits of the city of Louisville, within twelve hours of daylight after a report shall be made to said public contractor, by or through the Police Department, or by or through any policeman of the city of Louisville, or any authorized agent of the Board of Health in charge of said remains or carcass, unless sooner removed or caused to be removed by the owner of such carcass or his agent, and the public contractor shall observe every care and use of the utmost precaution that the remains and carcasses of said animals be conveyed away in the most inoffensive manner possible, causing them to be covered

with tarpauline or otherwise. The drivers of the teams conveying such carcasses shall not stop on the way, unless detained by some unforeseen accident, under a penalty of not less than five nor more than twenty dollars for each offense, which fine shall, upon the conviction of any driver or drivers of such teams, be recovered and enforced as other fines imposed by the ordinances of the city of Louisville.

§ 2. It shall be lawful for any person or co-partnership of persons or corporations who has established or may hereafter established outside the city limits of Louisville and in the county of Jefferson, a place for the rendering of dead animals to buy from the owner or his agent the remains or carcasses of dead animals within the limits of the city of Louisville, and to move the same outside the said city limits, as now established or may hereafter be established, within twelve hours of daylight after the death of said animals, and in moving the same the party or parties so moving, shall be governed by the same rules in section 1 of this ordinance governing the public contractor in moving dead animals.

§ 3. The public contractor, in removing the animals and carcasses mentioned in section 1, shall remove them to such place outside of the limits of the city of Louisville as now established or as may be hereafter established, and within the limits of the county of Jefferson.

§ 4. The remains and carcasses of all dead animals mentioned, referred to, and embraced in section 1 as shall die or be found upon any public street, alley, highway, or upon any uninclosed lot or commons within the limits of the city of Louisville, and not removed or caused to be removed by the owner or his agent within twelve hours of daylight after the death of the said animal, shall be removed by the public contractor, as hereinbefore provided in this ordinance, and the surplus of profit, if any, that may remain from the rendering or disposition of said animal shall belong to the public contractor.

§ 5. The public contractor shall, before being authorized to perform the duties and enjoy the privileges granted by this ordinance, execute to the city of Louisville, a bond, with good and sufficient surety, in the sum of \$1,000, to be approved by the Board of Public Safety, and filed and preserved in the office of the City Comptroller, conditioned for the faithful and punctual performance of the duties imposed by this ordinance.

§ 6. It shall be the duty of the Police Department and of the Health Department to notify the public contractor, his officers or agents, of the whereabouts of the remains or carcass of every dead animal, not slain for food or to be used in

useful arts, which they may find, or of the existence of which within the city limits, they may be informed, as soon as possible. For the purpose of receiving such notice, the public contractor shall maintain and keep an office within the limits of the city of Louisville or county of Jefferson, which shall be in telephone communication with some headquarters of the Police Department or the Health Department of the city of Louisville.

§ 7. Upon the failure of the public contractor to remove the remains or carcass of any dead animal mentioned in section 1 of this ordinance within twelve hours of daylight after receiving notification, unless the owner or his agent has removed or caused the same to be removed, as herein provided, he shall be subject to a fine of not less than five nor more than twenty dollars for every offense, such fine to be recovered as other fines under ordinances of the city of Louisville; and upon the third conviction thereof, within any twelve months, the contract shall, upon such third conviction, become void and forfeited, and such person, co-partnership, or corporation shall, upon such third conviction, cease to be the public contractor, and the Board of Public Safety shall immediately thereupon advertise for proposals and award the contract for the unexpired term in the manner as provided hereinafter in section 9.

§ 8. After the passage of this ordinance it shall not be lawful for any person whatsoever, or co-partnership of persons or corporation, except the owner, his agent, or persons granted the privilege in section 2 of this ordinance, and the public contractor, to remove the remains or carcasses of any dead animal, as specified in section 1 of this ordinance, through the streets, alleys or highways of the city of Louisville, and any person or co-partnership of persons or corporations so hauling or removing said dead animals shall, upon conviction thereof, be fined not less than five nor more than twenty-five dollars for each and every offense, which fine or fines shall be recovered as other fines under the ordinances of the city of Louisville, and the removal of the remains or carcasses of each of the animals mentioned in section 1 shall constitute a separate offense.

§ 9. Immediately after the passage of this ordinance the Board of Public Safety shall advertise for proposals to remove the remains and carcasses of all dead animals, as proposed in section 1 of this ordinance, and award the contract for the space of three years to the highest and best bidder. The party to whom such contract shall be awarded shall become, and be for the period of three years, the public con-

tractor, and shall, during said period, enjoy the privileges and be subject to the penalties and burdens provided in this ordinance. Before being awarded said contract the said contractor shall execute a bond, as provided for in section 5 of this ordinance. Said contract, when so made, shall be transmitted to the General Council for approval.

§ 10. All ordinances in conflict herewith are hereby repealed, and this ordinance shall take effect from and after its passage.

Approved September 14, 1899.

ANNEXATIONS TO THE CITY OF LOUISVILLE FROM JANUARY 1, 1908, TO JANUARY 1, 1910.

AN ORDINANCE proposing an extension of the boundary lines of the city of Louisville so as to include a portion of the territory of Jefferson county adjacent to the western limits of the city of Louisville.

Be it ordained by the General Council of the city of Louisville:

§ 1. That it is deemed desirable to extend the boundary lines of the city of Louisville so as to include the following described territory, now a part of the county of Jefferson, and State of Kentucky, lying and being within the following limits, namely:

Beginning at a point in the present western boundary line of the city of Louisville, which point is where the east line of Shawnee Park intersects a line 200 feet south of Chestnut street; thence with a line 200 feet south of and parallel with Chestnut street to a point 200 feet west of Thirty-second street if extended; thence with a line 200 feet west of and parallel with Thirty-second street if extended to a point 200 feet north of Broadway; thence with a line 200 feet north of and parallel with Broadway to a point in the east line of Shawnee Park; thence with the east line of Shawnee Park to the point of beginning.

§ 2. This ordinance shall take effect from and after its passage.

Approved March 2, 1908.

ANNEXATION OF TERRITORY IN JEFFERSON COUNTY.

AN ORDINANCE proposing an extension of the boundary lines of the city of Louisville, so as to include a portion of the territory of Jefferson county adjacent to the eastern limits of the city of Louisville.

Be it ordained by the General Council of the city of Louisville:

§ 1. That it is deemed desirable to extend the boundary lines of the city of Louisville so as to include the following described territory, now a part of the county of Jefferson, and State of Kentucky, lying and being within the following limits, namely:

Beginning at a point in the present boundary line of the city of Louisville, which point is where a line 200 feet southeast of and parallel with Shady Lane intersects a line 210 feet southwest of and parallel with Euclid avenue; thence with a line 210 feet southwest of and parallel with Euclid avenue to a point 210 feet southeast of Rope Walk Lane; thence northeastwardly with a line 210 feet southeast of and parallel with Rope Walk Lane to a point 210 feet southwest of the Bardstown Turnpike Road; thence southeastwardly with a line 210 feet southwest of and parallel with the Bardstown Turnpike Road to a point 250 feet southeast of Douglas Boulevard, if extended; thence with a line 250 feet southeast of and parallel with Douglas Boulevard, if extended, to a point 210 feet northeast of the Bardstown Turnpike Road; thence with a line 210 feet northeast of and parallel with the Bardstown Turnpike Road to a point 210 feet southeast of Speed avenue; thence northeast with a line 210 feet southeast of and parallel with Speed avenue to a point 210 feet northeast of Chichester avenue, if extended; thence with a line 210 feet northeast of and parallel with Chichester avenue, if extended, to a point 210 feet southeast of Bonnycastle avenue; thence in a northeasterly direction with a line 210 feet southeast of and parallel with Bonnycastle avenue to the present boundary line of the city of Louisville; thence with the present boundary of the city of Louisville, first, in a northwestwardly direction, thence in a southwestwardly, thence in a southerly, thence in a southwestwardly direction to the point of beginning.

§ 2. This ordinance shall take effect from and after its passage.

Approved June 8, 1908.

ANNEXATION OF TERRITORY IN JEFFERSON COUNTY.

AN ORDINANCE annexing a part of the territory of the county of Jefferson to, and incorporating the same into the city of Louisville.

Whereas, in accordance with the provisions of an act entitled "An act for the government of cities of the first class," approved July 1, 1893, the General Council of the city of Louisville passed an ordinance entitled, "An ordinance proposing an extension of the boundary lines of the city of Louisville, so as to include a portion of the territory of Jefferson county adjacent to the western limits of the city of Louisville," approved March 2, 1908, and said ordinance having been published as required by law in at least ten issues of a daily newspaper published in the city of Louisville; and

Whereas, no petition has been filed against the city in the Jefferson Circuit Court within thirty days after the enactment of said ordinance, setting forth the reasons why such property, or any part thereof, should not be annexed as required by law, now therefore,

Be it ordained by the General Council of the city of Louisville:

§ 1. That the following described property now a part of the county of Jefferson and State of Kentucky, lying and being within the following limits, namely:

Beginning at a point in the present western boundary line of the city of Louisville, which point is where the east line of Shawnee Park intersects a line 200 feet south of Chestnut street; thence with a line 200 feet south of and parallel with Chestnut street to a point 200 feet west of Thirty-second street, if extended; thence with a line 200 feet west of and parallel with Thirty-second street, if extended, to a point 200 feet north of Broadway; thence with a line 200 feet north of and parallel with Broadway to a point in the east line of Shawnee Park; thence with the east line of Shawnee Park to the point of beginning, be, and the same is hereby annexed to and constituted and made a part of the Twelfth ward of said city until otherwise provided by ordinance.

§ 2. This ordinance shall take effect from its passage.

Approved June 29, 1908.

ANNEXATION OF TERRITORY IN JEFFERSON COUNTY.

AN ORDINANCE proposing an extension of the boundary lines of the city of Louisville, so as to include a portion of the territory of Jefferson county adjacent to the eastern limits of the city of Louisville.

Be it ordained by the General Council of the city of Louisville:

§ 1. That it is deemed desirable to extend the boundary lines of the city of Louisville so as to include the following described territory, now a part of the county of Jefferson, and State of Kentucky, lying and being within the following limits, namely:

Beginning at the point of intersection of the present city boundary line and the southwesterly line of Eastern parkway, or Cherokee road, as laid down on the subdivision of "Bonnycastle," running thence southwestwardly with the southeasterly line of Eastern parkway, or Cherokee road, to the southwesterly line of Cherokee Terrace; thence southeastwardly with the southwesterly line of Cherokee Terrace to a line 200 feet east of and parallel with Eastern parkway, or Cherokee road; thence southwardly with a line 200 feet east of and parallel with Eastern parkway, or Cherokee road, to the line common to lots 2 and 3 in block 8 of "Bonnycastle;" thence northwestwardly with said common line to the easterly line of Eastern parkway, or Cherokee road; thence with the easterly line of Eastern parkway, or Cherokee road, and a line 60 feet from and parallel with the boundary line of Cherokee Park in a southerly direction, thence in a westerly, thence in a northwesterly direction to a line 210 feet southeast of and parallel with Bonnycastle avenue; thence northeastwardly with a line 210 feet southeast of and parallel with Bonnycastle avenue; thence northeastwardly with a line two hundred and ten (210) feet southeast of and parallel with Bonnycastle avenue, if extended, to the present boundary line of the city of Louisville; thence with the present boundary line of the city of Louisville in a southeasterly direction to the point of beginning.

§ 2. This ordinance shall be effective from and after its passage.

Approved July 13, 1908.

ANNEXATION OF TERRITORY IN JEFFERSON COUNTY.

AN ORDINANCE proposing an extension of the boundary lines of the city of Louisville, so as to include a portion of the territory of Jefferson county adjacent to the eastern limits of the city of Louisville.

Be it ordained by the General Council of the city of Louisville:

§ 1. That it is deemed desirable to extend the boundary lines of the city of Louisville so as to include the following described territory, now a part of the county of Jefferson, and State of Kentucky, lying and being within the following limits, namely:

Beginning at a point in the present boundary line of the city of Louisville where it corners with the west line of the Louisville Water Company's property, said point being 300 feet north of the north line of Field avenue, if extended eastwardly, as located on the plat of Lentz's subdivision of Fairview; thence northwardly with the west line of the Louisville Water Company's property to the south line of the Brownsboro turnpike; thence westwardly with the south line of said road 294.56 feet to the center line of the 20-foot alley, as located upon the plan of Bluegrass addition, recorded in Plat and Subdivision Book 1, page 145; thence in a southeastwardly direction along the center line of said alley to the present city boundary line; thence eastwardly with the present city boundary to the point of beginning.

§ 2. This ordinance shall take effect from and after its passage.

Approved July 13, 1908.

ANNEXATION OF TERRITORY IN JEFFERSON COUNTY.

AN ORDINANCE annexing a part of the territory of the county of Jefferson and incorporating the same in the city of Louisville:

WHEREAS, In accordance with the provisions of an act entitled "An act for the government of cities of the first class," approved July 1, 1893, the General Council of the city of Louisville passed an ordinance entitled "An ordinance proposing an extension of the boundary lines of the city of

Louisville, so as to include a portion of the territory of Jefferson county adjacent to the eastern limits of the city of Louisville," approved July 13, 1908; and said ordinance has been published as required by law in at least ten issues of a daily newspaper published in the city of Louisville; and,

WHEREAS, No petition has been filed against the city in the Jefferson Circuit Court within thirty days after the enactment of said ordinance, setting forth reasons why such territory or any part thereof should not be annexed, as required by law, now, therefore,

Be it ordained by the General Council of the city of Louisville:

§ 1. That the following described territory, now embraced within the limits of the county of Jefferson and Commonwealth of Kentucky, to-wit:

Beginning at the point of intersection of the present city boundary line and the southeasterly line of Eastern parkway, or Cherokee road, as laid down on the subdivision of "Bonnycastle," running thence southwestwardly with the southeasterly line of Eastern parkway, or Cherokee road, to the southwesternly line of Cherokee terrace; thence southeasterly with the southwesternly line of Cherokee Terrace to a line 200 feet east of and parallel with Eastern parkway, or Cherokee road; thence southwardly with a line 200 feet east of and parallel with Eastern parkway, or Cherokee road, to the line common to lots 2 and 3 in block 8 of "Bonnycastle;" thence northwesternly with said common line to the easterly line of Eastern parkway, or Cherokee road; thence with the easterly line of Eastern parkway, or Cherokee road, and a line 60 feet from and parallel with the boundary line of Cherokee Park in a southerly direction; thence in a westerly, thence in a northwesterly direction to a line 210 feet southeast of and parallel with Bonnycastle avenue; thence northeastwardly with a line 210 feet southeast of and parallel with Bonnycastle avenue, if extended, to the present boundary line of the city of Louisville; thence with the present boundary line of the city of Louisville in a southeasterly direction to the point of beginning, be and the same is hereby annexed to and constituted and made a part of the city of Louisville, and said territory shall form a part of the Third ward of said city until otherwise provided by ordinance.

§ 2. That this ordinance shall take effect from its passage.

Approved August 31, 1908.

ANNEXATION OF TERRITORY IN JEFFERSON COUNTY.

AN ORDINANCE proposing an extension of the boundary lines of the city of Louisville, so as to include a portion of the territory of Jefferson county adjacent to the southeastern limits of the city of Louisville.

Be it ordained by the General Council of the city of Louisville:

§ 1. That it is deemed desirable to extend the boundary lines of the city of Louisville so as to include the following described territory, now a part of the county of Jefferson, and State of Kentucky, lying and being within the following limits, namely:

Beginning at a point in the west line of Lawton avenue and Preston-street road, where the present southeastern boundary line of the city of Louisville intersects the same; running thence south with the west line of Preston-street road to a point where the north line of the first alley south of F street, if extended, would intersect the same; thence west with the north line of the first alley south of F street and the north line of said alley, if extended, to the present southeastern boundary line of the city of Louisville west of Flat Lick road; thence with the present boundary line of the city of Louisville in a general northeastern direction to the point of beginning.

§ 2. This ordinance shall be effective from and after its passage.

Approved October 14, 1909.

ANNEXATION OF TERRITORY IN JEFFERSON COUNTY.

AN ORDINANCE proposing an extension of the boundary lines of the city of Louisville, so as to include a portion of the territory of Jefferson county adjacent to the southeastern limits of the city of Louisville.

Be it ordained by the General Council of the city of Louisville:

§ 1. That it is deemed desirable to extend the boundary lines of the city of Louisville so as to include the following described territory, now a part of the county of Jefferson, and

State of Kentucky, lying and being within the following limits, namely:

Beginning at a point in the west line of Lawton avenue and Preston-street road, where the present southeastern boundary line of the city of Louisville intersects the same; running thence south with the west line of Preston-street road to a point where the north line of the first alley south of F street, if extended, would intersect the same; thence west with the north line of the first alley south of F street and the north line of said alley, if extended, to the present southeastern boundary line of the city of Louisville west of Flat Lick road; thence with the present boundary line of the city of Louisville in a general northeastern direction to the point of beginning.

§ 2. This ordinance shall be effective from and after its passage.

Approved October 14, 1909.

APPORTIONMENT WARRANTS.

AN ORDINANCE relating to apportionment warrants in the city of Louisville, Kentucky.

Be it ordained by the General Council of the city of Louisville:

§ 1. That to enable the city to apportion the cost among owners of ground liable for the cost of the improvement for the original construction of any street, alley, sidewalk, road, lane, avenue, highway, thoroughfare, well, cistern, or for the reconstruction of any sidewalks provided for by section 70 of "An act for the government of cities of the first class," approved July 1, 1893, the City Assessor shall furnish to the Board of Public Works a list of the names of such owners and a description of the ground owned by each, and when said list and description shall have been furnished, and the work received as completed, and apportioned by the Board of Public Works, and approved by the General Council and the Mayor, the city will furnish warrants for the cost of improvements against the owners of ground liable therefor.

§ 2. The clerk of the Board of Public Works shall make out all apportionment warrants which have been ordered by the General Council, and approved by the Mayor, both original and corrected, for which liens are given for improvements, as provided in section 1 of this ordinance, and shall enter the

same in a register kept by him for that purpose within two days after approval by the Mayor, and shall keep said register properly indexed. The lien shall exist from the date of approval of the apportionment by the Mayor.

§ 3. It shall be the duty of the holder of the said warrants, when he shall have obtained payment or satisfaction of the same, to mark upon said register "Paid." Any person receiving payment or satisfaction of an apportionment warrant who shall fail to mark upon the register "Paid," within two days after such payment or satisfaction, shall be fined not less than five dollars nor more than ten dollars for each day he shall so fail or refuse.

§ 4. Said clerk of the Board of Public Works, immediately after entering the warrants on said register, shall return the original apportionment to the Comptroller.

§ 5. All ordinances in conflict with this ordinance be and are hereby repealed.

§ 6. This ordinance shall take effect from and after its publication.

Approved June 26, 1894.

ASSESSOR—REGULATING DUTIES OF.

(See Salaries.)

AN ORDINANCE regulating the duties of the City Assessor with respect to tax bills on assessments made by the State Railroad Commission and State Board of Valuation and Assessment.

Be it ordained by the General Council of the city of Louisville:

§ 1. That it shall be the duty of the City Assessor, and he is hereby authorized and directed to make out against all corporations, companies, and associations the tax bills for each fiscal year on the amount of the assessments which have been heretofore, or which may hereafter, be made by the State Railroad Commission and the State Board of Valuation and Assessment, respectively, of the property or franchises of such corporations, companies, and associations, and certified for taxation by the city of Louisville, as required by chapter 108 of the Kentucky Statutes, entitled "Revenue and Taxation," approved November 11, 1892.

§ 2. The City Assessor shall make out the tax bills pro-

vided for in the preceding section for the same fiscal year, at the same rate of *ad valorem* taxation, and for the same purposes levied by ordinances of the city for the respective fiscal year in or for which the assessments by the State Railroad Commission and State Board of Valuation and Assessment have been heretofore or may be hereafter respectively made, and certified, as required by law, and shall be made out on the same forms and be authenticated by the City Assessor in the same manner as other tax bills on assessments made by him are required to be by the levy ordinance for the same fiscal year.

§ 3. All tax bills which shall be made out and authenticated by the City Assessor, under the provisions of this ordinance, shall be listed by him as soon as practicable with the Receiver of City Taxes for collection, as provided for by law.

§ 4. This ordinance shall take effect and be in force from and after its passage and publication.

Approved April 9, 1897, Published April 12, 1897.

ASSESSOR'S OFFICE.

AN ORDINANCE regulating the Assessor's Department of the city of Louisville.

Be it ordained by the General Council of the city of Louisville:

§ 1. That in the month of June, 1907, and in the month of June every year thereafter, the Assessor shall have power to appoint, with the approval of the Board of Aldermen, one Chief Deputy Assessor, whose salary shall be sixteen hundred and fifty (\$1650) dollars per year; and ten Deputy Assessors, whose salary shall be each thirteen hundred and fifty (\$1350) dollars per year; and not exceeding ten Assistant Assessors, the latter to be appointed by the Assessor and approved by the Board of Aldermen in the month of August or September and to serve only such length of time as may be necessary between September first and December first of the year for which they are chosen, as their services may be required by the Assessor, said Assistant Assessors to receive each a salary of seventy-five (\$75) dollars per month.

§ 2. The Assessor shall have power to appoint one draftsman, whose salary shall be thirteen hundred and fifty (\$1350) dollars per year; one Assistant Draftsman, whose salary shall

be one thousand (\$1000) dollars per year; and one Transfer Clerk, whose salary shall be one thousand (\$1000) dollars per year.

§ 3. It shall be the duty of the Deputy Assessors, the Assistant Assessors, the Draftsman and Transfer Clerk, to perform such duties and render such services as may be required of them by the Assessor.

§ 4. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

§ 5. This ordinance shall take effect from and after its passage.

Approved June 15, 1907.

AUCTIONEERS.

AN ORDINANCE requiring auctioneers to execute bond.

Be it ordained by the General Council of the city of Louisville:

§ 1. That every person or firm conducting an auction sale for himself or another, or carrying on the business of auctioneer in this city shall execute bond in the sum of \$1,000 to the city of Louisville for the benefit of purchasers at auction sales to be conducted by such party or parties, with sureties who shall qualify as sureties on attachment bonds.

§ 2. Said bond shall be conditioned for the honest conduct of such sales, and that no fraudulent representations will be made as to the quality of the thing sold.

§ 3. Said bond shall be tendered to the License Board when application for license shall be made, and shall be subject to the approval of said board, and no license shall be issued until such bond is approved and such bond shall cover the period for which such license is granted.

§ 4. This ordinance shall not apply to sales made under order of court or under any legal process.

§ 5. This ordinance shall be in effect from and after publication.

Approved May 19, 1896.

AUDITOR—REGULATING DUTIES OF.**(See Salaries.)**

AN ORDINANCE concerning the office of the Auditor of the city of Louisville, and regulating and prescribing the duties of said Auditor.

Be it ordained by the General Council of the city of Louisville:

§ 1. That the office of Auditor, authorized and provided for by section 2901 of an act of the General Assembly of the Commonwealth of Kentucky, for the government of cities of the first class, approved July 1, 1893, be and the same is hereby regulated, and the duties of the Auditor herein prescribed.

§ 2. The Auditor shall keep such books as are necessary for the performance of his duties and as are required by law.

§ 3. The said Auditor shall examine, adjust and audit all unsettled accounts, claims or demands against the city, for the payment of which any money may be drawn from the City Treasurer, and shall see that said accounts, claims or demands are fully itemized, and are such as are authorized by law or ordinance, and that same are made out in duplicate, and as required by ordinance now in force, upon the forms approved by the Controller, which shall be certified to by the officer receiving the labor or material, and shall plainly state the purpose for which it was intended, and the authority under which it was rendered, or requisitioned, but no claim shall be audited or allowed by him unless there shall be a legal appropriation therefor. He shall have the right and power to administer oaths, and may require all or any settlement of claims or accounts to be verified by proper affidavits.

§ 4. Where such claims or accounts have been audited, approved and allowed by the Auditor, he shall transmit the same promptly to the Controller, to be by him registered, as is now required by an ordinance entitled, "An ordinance prescribing the manner in which claims against the city of Louisville may be made."

§ 5. If there be funds legally appropriated for the purpose, the Auditor shall draw his warrant therefor against said fund, for such claims as are approved in the manner provided for by an ordinance entitled, "An ordinance prescribing the manner in which claims against the city of Louisville shall be made." All warrants so issued shall state the

account or appropriation to which same is chargeable, the number of the claim or voucher to be paid thereby.

§ 6. The Auditor shall keep a "Record of appropriations and warrants issued" in a book known as the "Warrant Register," in the same form as now used, and shall furnish to the Controller within three days after the close of each month a report in the form now used of all warrants issued during the preceding month, and upon what account.

§ 7. The Auditor shall adopt a form of warrant subject to approval of the Controller.

§ 8. That an ordinance entitled, "An ordinance concerning the office of the Auditor of the city of Louisville and regulating and prescribing the duties of said Auditor," which was approved September 10, 1909, be, and the same is hereby repealed.

§ 9. This ordinance shall take effect from and after its approval.

Approved December 15, 1909.

AUDITOR'S CLERK.

AN ORDINANCE providing a Clerk for the City Auditor, and fixing his salary.

Be it ordained by the General Council of the city of Louisville:

§ 1. That the City Auditor, with the approval of the Mayor, shall have the power to appoint a clerk for his office, to perform such duties as directed by the said Auditor or by ordinance.

§ 2. Said clerk shall receive a salary at the rate of twelve hundred (\$1200) dollars per annum, payable in monthly installments.

§ 3. This ordinance shall take effect from and after its passage.

Approved May 25, 1908.

AUTOMOBILE REGULATIONS.

AN ORDINANCE relating to automobiles and motor vehicles, and regulating the use thereof on the streets, alleys and ways of the city of Louisville.

Be it ordained by the General Council of the city of Louisville:

§ 1. There shall be provided by the Commissioners of the Sinking Fund, without cost to the licensee of every automobile, motor car, or other vehicle propelled by steam, gasoline, or electric power, driven on any of the streets, alleys or ways of the city of Louisville, numbers, which shall be displayed on the back of such motor vehicle in such manner as to be plainly visible. The numbers to be in white Arabic numerals, each four (4) inches in height and each stroke to be of the width of one-half ($\frac{1}{2}$) inch. Also the letters Lou., Ky., to follow said numbers in vertical position, said numbers and letters to be cast or painted on a red or blue enamel plate six (6) inches in height. It is further provided that said numbers shall also be painted or otherwise conspicuously placed upon the lamps of said vehicles by the owners thereof. And no automobile or vehicle as aforesaid shall be driven or operated on the streets, alleys or ways of said city without having conspicuously placed thereon the number issued to the licensee as aforesaid and attached as herein provided. And no owner or owners of any automobile, motor car, or other vehicle propelled by steam, gasoline or electric power shall be permitted to use any other number plate than that furnished by the Commissioners of the Sinking Fund. The Commissioners of the Sinking Fund shall keep a record of every number issued as aforesaid, together with the name and address of each licensee.

Non-residents—The provisions named above shall not apply to motor vehicles owned and operated by non-residents of this State, provided the owners thereof have complied with any law requiring the registration of owners or in force in the State, Territory or Federal district of their residence, and the registration number showing the initial of such State, Territory or Federal district shall be plainly displayed on such vehicle as provided above.

§ 2. Every automobile, motor car or other vehicle propelled by steam, gasoline or electric power, when in use upon any of the streets, alleys or ways of the city of Louisville from one hour after sunset to one hour before sunrise shall

have and keep lighted one or more lamps or lanterns attached to such vehicles, showing a white light visible for a reasonable distance in the direction toward which such vehicle is proceeding, and showing a red light toward the rear; said light or lights to be so placed as to be free from obstruction from other parts of such vehicle.

§ 3. No automobile or motor vehicle as aforesaid shall be driven or operated upon any street, alley or way of the city of Louisville within the territory extending from the Ohio river to Chestnut street, inclusive, and between Preston street and Fifteenth street, inclusive, at a rate of speed faster than eight miles per hour; and when going around any corner or past any intersecting street within said territory the rate of speed shall be reduced; and no automobile or motor vehicle as aforesaid shall be driven or operated upon any street, alley or way of the city of Louisville outside of the above defined territory at a rate of speed faster than twelve miles per hour.

§ 4. Every automobile, motor car or other vehicle propelled by steam, gasoline or electric power, driven or operated upon any of the streets, alleys or ways of the city of Louisville, shall be equipped and supplied with an alarm bell, gong or horn.

§ 5. No part of the machinery of any automobile, motor car or other vehicle propelled by steam, gasoline or electricity, shall be left running while such vehicle is standing without an attendant upon any street, alley or way of the city of Louisville.

§ 6. It shall be unlawful for any one to tamper with any automobile, motor car or other vehicle propelled by steam, gasoline or electric power, while the same is standing upon any street, alley or way of the city of Louisville, unattended by the person driving, using or operating the same.

§ 7. Nothing contained in this ordinance shall be so construed as to apply to the operation or running of any trains or cars upon the steam railroads, or street railroads of the city of Louisville.

§ 8. Any person, firm or corporation violating any of the provisions of this ordinance shall be subject to a fine and penalty not to exceed ten dollars for each offense.

§ 9. An ordinance entitled, "An ordinance relating to automobiles and motor vehicles, and regulating the use thereof on the streets, alleys and ways of the city of Louisville," approved March 3, 1905, is hereby repealed.

§ 10. This ordinance shall take effect from and after its passage.

Approved September 11, 1906.

AUTOMOBILE—LICENSE OF CHAUFFEURS.

AN ORDINANCE imposing a license for following the calling or occupation of chauffeur for hire, fee, compensation or reward of any kind, and regulating said calling.

Be it ordained by the General Council of the city of Louisville:

§ 1. Each and every person who follows the calling or occupation of chauffeur for hire, fee, compensation or reward of any kind shall annually pay into the Sinking Fund of the city of Louisville, for the purposes of the Sinking Fund, the sum of \$3.00 license tax; and the Treasurer of said Sinking Fund shall, upon such payment, issue to the person so paying a license to follow said calling or occupation and shall furnish to such person, free of charge, a numbered badge, tag or button. Each and every chauffeur for hire, fee, compensation or reward of any kind while engaged in his or her calling or occupation shall carry his or her license and shall exhibit the same whenever requested to do so by a license inspector or an assistant license inspector or a police officer. Each and every chauffeur for hire, fee, compensation or reward of any kind, while engaged in his or her calling or occupation, shall wear the aforesaid badge, tag or button conspicuously on the breast of his or her outside garment, and in such a manner that it may always be easily seen from the sidewalk. It shall be unlawful for any person to destroy, deface or injure said badge, tag or button in any manner, or change the number or date thereon. It shall be unlawful for any person to wear said badge, tag or button, unless it be the licensed chauffeur in whose name the license and badge, tag or button were issued. It shall be unlawful for any such licensed chauffeur to wear any other badge, tag or button similar to the one furnished by the Commissioners of the Sinking Fund of the city of Louisville. It shall be the duty of each licensed chauffeur on or before the date on which said license shall expire to return to the Commissioners of the Sinking Fund said license and badge, tag or button issued to him or her the preceding year. Should the button or tag here referred to be lost or defaced, the licensee must apply for and obtain a new license and pay the fee of \$3.00 required by this ordinance. All chauffeur licenses issued in accordance herewith shall expire on the first day of May of each year, and any person who follows the calling or occupation of chauffeur for hire, fee, compensation or re-

ward of any kind, after the passage and publication of this ordinance, shall be charged proportionately for the year ending the first day of May.

§ 2. No person shall be entitled to receive a license provided by this ordinance unless he be of temperate habits and good moral character, and unless he be an experienced, competent and careful chauffeur, and at the time of making application for such license the applicant shall file an affidavit or affidavits, signed and sworn to by not less than three citizens of the city of Louisville, who are housekeepers, showing that the applicant is of temperate habits and good moral character, and that he is an experienced, competent and careful chauffeur. Should the Secretary and Treasurer of the Sinking Fund of the city of Louisville refuse to grant a license to any applicant, said applicant shall have the right to appeal to the Police Court of the city of Louisville, but shall give at least five days' notice of such appeal to the Secretary and Treasurer of the Commissioners of the Sinking Fund of the city of Louisville.

§ 3. Any license granted in accordance with this ordinance may be revoked by the Police Court of said city of Louisville, after an open trial, with due notice to the licensee, whenever, in the judgment of said court, the licensee is not competent, or has been guilty of such acts in reference to said calling or occupation as amount to disorderly conduct, or has violated any existing law in regard to the operation or running of automobiles.

§ 4. After the passage of this ordinance it shall be unlawful for any person to follow the calling or occupation of chauffeur for hire, fee, compensation or reward of any kind, unless he be eighteen years of age and shall have theretofore obtained, and has, said license from the city of Louisville, and any person so offending or violating any provision of this ordinance shall be guilty of a misdemeanor, and upon conviction shall be fined not less than fifteen (\$15) nor more than one hundred (\$100) dollars.

§ 5. This ordinance shall not affect the validity of any license heretofore issued under an existing ordinance.

§ 6. The ordinance imposing a license for following the calling or occupation of chauffeur for hire and regulating same, which was approved by the Mayor of the city of Louisville on the 21st day of September, 1909, is hereby repealed.

§ 7. This ordinance shall take effect from and after its passage.

Approved November 8, 1909.

AWNINGS.

AN ORDINANCE regulating awnings in the city.

Be it ordained by the General Council of the city of Louisville:

§ 1. It shall not be lawful to erect, keep, or maintain in or over any sidewalk, street, alley, or public thoroughfare, any awning which shall not extend to the line of the curbstone of the footway or pavement in front of the premises before which said awning shall be placed, the lower part or eave thereof being at least nine feet above the curbstone, and so covered over as to throw water falling thereon into the gutter of the streets, and be supported by iron posts of suitable size, and securely fastened in a block of stone eighteen inches in length and not less than six inches square and placed in the ground four inches inside of and beyond the curbstone and no further; *provided, however,* That this ordinance shall not apply to any awning now erected, if the same does not extend to the curbstone, and shall not prevent the erection of awnings fifteen feet in width on or over sidewalks which are more than fifteen feet in width. There shall be no side or end wings or any rail attached to said awning or iron posts. Any person violating this ordinance shall be fined not less than five nor more than twenty dollars for each offense, and five dollars penalty for each twenty-four hours that the violation continues.

Approved May 28, 1875.

BATHING.

Concerning Bathing in Beargrass Creek and Ohio River.

It shall be unlawful for any one, between the hours of 4 o'clock a.m., and 9 o'clock p.m., to bathe in the canal, Beargrass creek, or in the Ohio river, at any point between the eastern and western boundaries of the city, or in any pond within the city limits. For a violation of the provisions of this ordinance, each party offending shall be liable to arrest, and shall, for each offense, be fined ten dollars.

Approved July 25, 1867.

BELLS.

AN ORDINANCE to regulate the ringing of auction bells in the city.

Any person who shall ring a bell in the streets to give notice of an auction or other assembly for a longer time than ten minutes, or elsewhere than before the door of the place of the auction or assembly, shall be fined five dollars.

Approved October 17, 1853.

BICYCLES.

AN ORDINANCE concerning the use of bicycles on the public ways of the city of Louisville.

Be it ordained by the General Council of the city of Louisville:

§ 1. It shall be unlawful for any person to use a bicycle on any of the public ways of the city of Louisville without having in connection with such bicycle, upon the handlebar thereof, at all times, a gong of sufficient sound, and so used to warn persons of its approach; and also, whenever such bicycle is used on any of the public ways between sunset and sunrise, a lantern so conspicuously placed and lighted as to warn persons of its approach.

§ 2. Any person violating the provisions of this ordinance shall be fined ten dollars for each offense.

§ 3. This ordinance shall take effect from and after its publication.

Approved August 17, 1896.

BIRTHS.

AN ORDINANCE concerning birth certificates, and requiring physicians, accouchers, midwives, heads of families and other persons in charge to make returns of same to the Health Office.

Be it ordained by the General Council of the city of Louisville:

§ 1. That every physician, midwife, accoucher, head of

family, or other person in charge, who shall attend, assist or advice at the birth of any child within the city of Louisville, shall report to the Health Officer of the city of Louisville upon a blank form or blank certificate supplied by the Health Officer, within fifteen days after the birth of such child, which said form or certificate shall contain the following items:

1st—Name of child. 2d—Number of previous children of this mother. 3d—Sex of child. 4th—Color of child. 5th—Date of birth. 6th—Place of birth. 7th—Born alive (or dead). 8th—Legitimate (or illegitimate). 9th—Mother's maiden name. 10th—Mother's age. 11th—Mother's residence. 12th—Mother's birthplace. 13th—Father's name. 14th—Father's age. 15th—Father's occupation. 16th—Return by M. D., or M. W. 18th—Postoffice address. 19th—Date of return.

Blank spaces shall be left opposite or below each of the above items and the person required under this section to fill out and sign said form or certificate shall fill in said blank spaces with the information called for, or satisfactorily account for the omission of any of said information.

The certificate shall be written legibly in ink and shall be signed by the attending physician, midwife or other person whose duty it is under this ordinance to make and file said certificate. Only one such certificate need be filed.

A child born of seven months' gestation or over shall be registered as a birth.

§ 2. When any certificate of birth of a living child is returned without statement of the given name, the Health Department will prepare and deliver to the parents a special blank for a supplemental report of the given name of the child which shall be filled out as directed, signed and returned to the Health Department as is the original certificate, so soon as such child shall be named. The original certificate of birth shall not be considered completed until said supplemental report is filed, if one is required.

If said child die before it is named, then said supplemental report shall contain the statement, "Died unnamed."

§ 3. It shall be the duty of every physician, accoucher, or midwife practicing medicine, or doing business as an accoucher in the city of Louisville, to register his or her name in a book or books, to be provided for such person at the City Health Office, giving his or her full name, residence and place of business, and, in case of removal from one place to another in said city, to furnish the change of the Health Officer to be placed in said register accordingly.

§ 4. Any person violating any of the provisions of this ordinance shall be fined not less than five dollars nor more than twenty dollars for each offense.

§ 5. An ordinance entitled, "An ordinance concerning birth certificates, and requiring accouchers to make returns of same to Health Office," approved April 19, 1898, and all ordinances in conflict with this ordinance are hereby repealed.

§ 6. This ordinance shall take effect from and after its passage.

Approved September 10, 1909.

BLANK CARTRIDGES.

AN ORDINANCE concerning blank cartridges which may be used to produce an explosion by the aid of a pistol or other device.

Be it ordained by the General Council of the city of Louisville:

§ 1. It shall be unlawful for any person, firm or corporation in the city of Louisville to sell, give away or to dispose of in any manner or form, except as hereinafter provided, any blank cartridge or cartridges of any sort, size or kind without a leaden bullet or leaden substance therein, but which shall or might be used or employed to produce an explosion by the aid of a pistol or by any other device.

§ 2. It shall be unlawful for any person or persons to use or explode, or cause to explode by pistol or any other device, a blank cartridge or blank cartridges upon any of the streets, highways, alleys or lots in the city of Louisville.

§ 3. The sections of this act shall not apply to sales made of blank cartridges on permits issued by the Board of Safety to owners of managers of theatres for use on the stage during performances at said theatres, nor to any officer of a regularly organized military company or drill corps, to be used by said company or corps within an inclosed lot, room or space, and for drill purposes only.

§ 4. Any person, firm or corporation violating any provision of this ordinance shall, upon trial and conviction, be subject to a fine of not less than \$10 nor more than \$50 for each offense.

§ 5. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

§ 6. This ordinance shall take effect from its passage.

Approved February 16, 1904.

BOARD OF EQUALIZATION.

AN ORDINANCE fixing the compensation of the Board of Equalization.

Be it ordained by the General Council of the city of Louisville:

§ 1. That each member of the Board of Equalization shall receive for his services the sum of five dollars (\$5) per day, during its sessions, the same hours to be observed each day as provided by ordinance fixing the office hours of all officers of said city in the City Hall. And no other allowance or emoluments, directly or indirectly, for any purpose whatever, shall be made to said Board of Equalization.

§ 2. The City Assessor, or one of his assistants, shall act as secretary of the board, if one be required, without additional compensation.

§ 3. This ordinance to take effect from its passage.

Approved September 16, 1895.

BOARD OF PUBLIC SAFETY—DEPARTMENTS AND SALARIES.

AN ORDINANCE concerning the departments under the Board of Public Safety and fixing the number, salaries and compensation of the officers and employes therein.

Be it ordained by the General Council of the city of Louisville:

§ 1. The following departments be, and they are hereby, created and placed under the Board of Public Safety, as authorized by statute, to-wit: Police, Fire, Workhouse, Home of Aged and Infirm, Inspector of Buildings, Health, Pound Keepers, Cemeteries, Hospital and Eruptive Hospital Departments.

§ 2. The Board of Safety shall keep on file in its office a copy of all orders, instructions and appointments made by it, and also a record of the proceedings in all trial cases that may come before it.

§ 3. There may be the number of officers and employes prescribed in this ordinance, and no more, in each of said departments respectively, and their salaries and compensations shall be not more than the sums fixed by this ordinance, and the pay-rolls for each of said departments shall be made up,

certified and registered for the approval of the General Council each month, in accordance with the provisions of this ordinance, and not otherwise.

§ 4. In the Board of Safety, Police, Fire, Workhouse, Home of Aged and Infirm, Inspector of Buildings, Health, Pound Keepers, Cemeteries, Hospital and Eruptive Hospital Departments, there may be the following officers, members and employes, who shall receive not more than the salaries and compensations per annum set opposite their respective names, to-wit:

§ 5.—BOARD OF SAFETY.

Position.	Salary Per Annum.
Three members of the Board of Public Safety, at \$2,500 per annum, each	\$ 7,500 00
Secretary	1,650 00
Stenographer	1,200 00
	<hr/>
	\$10,350 00

§ 6. POLICE DEPARTMENT.

Chief of Police	\$ 3,000 00
Assistant Chief of Police, with rank of Major.....	1,800 00
Secretary of Police Department.....	1,650 00
Chief of Detectives.....	1,800 00
Secretary of Detectives, who shall be a qualified stenographer	1,200 00
Seven Captains of Police at \$1,400 per annum each.	9,800 00
Fourteen Lieutenants of Police at \$1,100 per annum each	15,400 00
Twenty-two Sergeants of Police at \$1,000 per annum each	22,000 00
Three hundred and sixty-nine patrolmen at \$2.50 per day, being at the rate of \$912.50 per annum.....	336,712 50
Department an experienced member of the police	
The Board of Public Safety shall, with the approval of the Mayor and City Attorney, assign to the Law force, who shall perform such duties as may be directed by the City Attorney, and whose salary shall be \$1,300 per annum, payable on the pay-roll of the City Attorney's office, excess over regular patrolmen's salary	387 50
Four hundred and seventeen employes	\$393,750 00
Deduct and charge to City Attorney's pay-roll....	1,300 00
	<hr/>
	\$392,450 00

Regular detectives may be appointed by the Board of Public Safety from the number of regular patrolmen herein provided for, and shall receive \$2.75 per day, being at the rate of \$1,003.75 per annum each.

§ 7. FIRE DEPARTMENT.

Chief of Fire Department.....	\$ 3,000 00
4 Assistants to the Chief of Fire Department at \$1,600 per annum each	6,400 00
1 Secretary	1,650 00
1 Aid to Chief at \$2.75 per day, being at the rate of	1,003 75
1 Chief Operator of Fire Alarm Telegraph.....	1,500 00
1 Master Mechanic or Superintendent of Repair and Machine Shop.....	1,500 00
2 Water Tower men at \$2.50 per day each, being at the rate of \$912.50 per annum each	1,825 00
3 Fire Alarm Telegraph Operators, at \$2.75 per day, being at the rate of \$1,003.75 per annum each	3,011 25
3 Telephone Operators at \$2.75 per day, being at the rate of \$1,003.75 per annum each	3,011 25
4 Line Repairers at \$2.75 per day each, being at the rate of \$1,003.75 per annum each.....	4,015 00
1 Batteryman at \$2.75 per day, being at the rate of	1,003 75
1 Foreman of Repair and Machine Shop at \$3.00 per day, being at the rate of	1,095 00
2 Machinists at \$2.75 per day each (except Sundays), being at the rate of \$860.75 per annum each	1,721 50
1 Blacksmith at \$3.00 per day (except Sundays), being at the rate of	939 00
1 Blacksmith Helper, at \$2 per day (except Sundays), being at the rate of.....	626 00
1 Harness Maker at \$2.75 per day (except Sundays), being at the rate of	860 75
2 Hydrant men at \$4 per day each (except Sundays), being at the rate of \$1,252.00 per annum each	2,504 00
2 Painters at \$3.00 per day each (except Sundays), being at the rate of \$939.00 per annum each..	1,878 00
1 Captain to each fire engine company at \$100 per month, being at the rate of \$1,200 per annum. There are now 21 engine companies.....	25,200 00
1 Captain to each hook and ladder company at \$100 per month, being at the rate of \$1,200 per	

annum each. There are now 6 hook and ladder companies	7,200 00
1 Captain to each water tower company at \$100 per month, being at the rate of \$1,200 per annum. There is now but one water tower company....	1,200 00
5 Pipemen to Fire Engine Company No. 2; 4 pipemen to each of the Fire Engine Companies 1, 4 and 8, at \$2.75 per day, being 17 pipemen, at the rate of \$1,003.75 per annum each.....	17,063 75
3 Pipemen to each of the Fire Engine Companies, Nos. 5, 7 and 9 at \$2.75 per day each, being 9 pipemen at the rate of \$1,003.75 per annum each	9,033 75
2 Pipemen to each of the Fire Engine Companies Nos. 3, 6, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20 and 21, at \$2.75 per day, being 28 pipemen at the rate of \$1,003.75 per annum each.....	28,105 00
1 Engineer at each Fire Engine Company, at \$97.50 per month each, being 21 engineers at the rate of \$1,170.00 per annum each	24,570 00
1 Stoker to each of the fire engine companies at \$2.50 per day, being 21 stokers at the rate of \$912.50 per annum each	19,162 50
1 Engine driver and 1 reel driver to each of the Fire Engine Companies at the rate of \$2.50 per day each, being 42 men at the rate of \$912.50 per annum each	38,325 00
1 Truck driver and one fuel wagon driver to each of the Hook and Ladder Companies Nos. 1, 2, 3, 4 and 6 at \$2.50 per day each, being 10 men at the rate of \$912.50 per annum each.....	9,125 00
1 Truck driver for Hook and Ladder Company No. 5 at \$2.50 per day, being at the rate of.....	912 50
1 Driver for Water Tower Company at \$2.50 per day, being at the rate of.....	912 50
1 Driver to supply wagon at \$2.50 per day, being at the rate of.....	912 50
7 Laddermen to each of the Hook and Ladder Companies, 1, 2, 3, 4 and 6, at \$2.75 per day, being 35 laddermen at the rate of \$1,003.75 per annum each	35,131 25
2 Laddermen to Hook and Ladder Company No. 5 at \$2.75 per day, being at the rate of \$1,003.75 per annum	2,007 50
278 <u>Employes</u>	\$256,405 50

Such additional help as may be necessary in the repair shop, not exceeding 15 men at any one time, to be approved by the Board of Public Safety, and whose salaries shall be fixed by the Board of Public Safety, and whose names shall appear on the regular pay-roll of the repair shop as special men, but who may be dismissed at any time by the Board of Public Safety, and shall not be considered regular, or uniformed men.

§ 8. WORKHOUSE DEPARTMENT.

1 Superintendent	\$ 1,200 00
1 Quarry boss at \$65 per month.....	780 00
1 Druggist (who shall also act as clerk), 1 day watchman (who shall also be prison wagon driver), 1 house engineer and 1 quarry engineer, and 1 night watchman, salary each, \$60 per month, being 5 employes at the rate of \$720 per annum each	3,600 00
1 Blacksmith, 1 prison cook and 7 guards, salary each \$50 per month, being 9 employes, at the rate of \$600 per annum each.....	5,400 00
1 Hostler and gardener at \$30 per month.....	360 00
1 House cook at \$18 per month.....	216 00
1 Night fireman, at \$50 per month.....	600 00
1 Matron at \$60 per month (for female prisoners).. <hr/>	720 00
20 Employes	\$12,876 00

§ 9. HOME FOR THE AGED AND INFIRM.

1 Superintendent	\$ 1,200 00
1 Engineer at \$60 per month (steam engineer)....	720 00
1 Druggist (who shall also act as clerk) at \$50 per month	600 00
1 Male nurse at \$40 per month, being at the rate of	480 00
1 Female nurse at \$30 per month, being at the rate of	360 00
1 Farm boss at \$45 per month.....	540 00
1 Watchman at \$30 per month.....	360 00
1 Baker at \$25 per month.....	300 00
1 Maid at \$15 per month.....	180 00
1 Seamstress at \$25 per month.....	300 00
1 Matron at \$30; 1 hostler at \$20; 1 dairyman at \$30 and 1 cook at \$40 (officers' kitchen), per month each, making a total.....	1,440 00

2 Farmhands at \$20 per month each, being at the rate of \$240 per annum each; total.....	480 00
1 Cook, 1 laundress and 1 porter, salary each \$20 per month, being at the rate of \$240 per annum each; total	720 00
1 Dairymaid at \$10 per month.....	120 00
1 Electrical or night engineer at \$60 per month....	720 00
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21 Employes	\$8,520 00

§ 10. INSPECTOR OF BUILDING DEPARTMENT.

Inspector of Buildings, who shall be the head of the department, and whose salary shall be \$150 per month	\$ 1,800 00
All the other officers, clerks, and employes of the department shall be under the direction and control of the Inspector of Buildings, subject to the Board of Safety.	
Assistant Inspector of Buildings, who shall be the computer. He shall be a qualified structural engineer. His salary shall be fixed by the Board of Public Safety, and shall not be more than \$125 per month	1,500 00
Assistant Inspector of Buildings, to be known as the Smoke Inspector, at \$125 per month.....	1,500 00
Assistant Inspector of Buildings, who shall be experienced in elevator construction, and whose salary shall be \$125 per month.....	1,500 00
Assistant Inspector of Buildings, who shall be the Electrical Inspector. He shall be a qualified electrician, and his salary shall be \$125 per month..	1,500 00
Assistant Inspector of Buildings, who shall be the Inspector of Plumbing, and whose salary shall be \$125 per month. No person shall be appointed Inspector of Plumbing who has not been a resident of the city of Louisville for one year, and who has not served a regular apprenticeship at the plumbing business and worked as a journeyman plumber for at least five years.....	1,500 00
2 Assistant Inspectors of Buildings, whose salaries shall each be \$100 per month, being at the rate of \$1,200 per annum	2,400 00

1 Permit Clerk at \$75 per month.....	900 00
1 Clerk and Stenographer, not to exceed a salary of \$60 per month.....	720 00
10 Employes	\$13,320 00

§ 11. HEALTH DEPARTMENT.

Health Officer, who shall be a regular physician, whose salary shall be \$3,000 per annum, and who shall have general supervision under the direction of the Board of Public Safety, over the Health Department, and all of its officers and employes herein authorized, and the following to be ap- pointed by the Board of Public Safety.....\$	3,000 00
Assistant Health Officer, who shall be a regular phy- sician, who shall be inspector of milk and food and water, and whose salary shall be.....	1,800 00
Secretary and Inspector of Contagious Diseases...	1,600 00
Veterinary Surgeon, who shall be a graduate of a well recognized school, a part of whose duties shall be the inspection and treatment of the live- stock belonging to the city, whose salary shall be	1,800 00
1 Dairy Expert and Chemist, whose salary shall be, per annum	1,600 00
1 Registrar and Inspector, whose salary shall be..	900 00
1 Bacteriologist and Chemist (qualified as both a bacteriologist and chemist), whose salary shall be, per annum	1,600 00
1 Assistant Bacteriologist and Chemist (qualified as both a bacteriologist and chemist).....	900 00
10 Sanitary Inspectors, at \$900 per annum each..	9,000 00
1 Physician for the Eastern District and 1 physi- cian for the Western District, at \$1,200 per an- num each	2,400 00
1 Physician, to be known as Assistant City Physi- cian, to be a colored physician, and charged with the duty of ministering to the colored poor of the city, salary per annum	1,000 00
20 Employes	\$25,600 00

§ 12. POUND KEEPER'S DEPARTMENT.

1 Pound Keeper for Eastern District and 1 Pound Keeper for Western District, at \$50 per month each, being at the rate of \$600 per annum each..\$	1,200 00
2 Employees	\$ 1,200 00

§ 13. CEMETERIES DEPARTMENT.

1 Superintendent of the Portland or City Cemetery at \$30 per month, being at the rate of \$360 per annum	360 00
1 Superintendent of the Western Cemetery, at \$50 per month, being at the rate of \$600 per annum	600 00
2 Employees	\$ 1,200 00

§ 14. HOSPITAL DEPARTMENT.

1 Superintendent, who shall be a qualified physician	\$ 1,500 00
1 Secretary at \$75 per month	900 00
1 Druggist at \$75 per month	900 00
1 Matron at \$35 per month	420 00
1 Engineer at \$75 per month.....	900 00
2 Firemen at \$40 per month each, being at the rate of \$480 per annum each	960 00
1 Steward at \$60 per month.....	720 00
2 Ambulance Drivers at \$50 per month each, being at the rate of \$600 per annum each	1,200 00
1 First Cook at \$50 per month.....	600 00
1 Second Cook at \$30 per month.....	360 00
1 Third Cook at \$15 per month.....	180 00
1 Doctor's Cook at \$15 per month.....	180 00
1 Doctor's Waiter at \$20 per month.....	240 00
1 Nurses' Waitress at \$15 per month.....	180 00
1 Nurses' Waiter at \$15 per month.....	180 00
1 Orderly for elevator at \$20 per month.....	240 00
1 Orderly for day telephone at \$25 per month.....	300 00
1 Orderly for night telephone at \$25 per month....	300 00
1 Orderly for public offices at \$25 per month.....	300 00
1 Orderly for night ward at \$25 per month.....	300 00
1 Seamstress at \$25 per month.....	300 00
1 Doctor's Chambermaid at \$15 per month.....	180 00
1 Nurses' Chambermaid at \$15 per month.....	180 00

1 Scrubber at \$15 per month.....	180 00
4 Scrubbers at \$12 per month each, being at the rate of \$144 per annum each.....	576 00
1 Laundryman at \$50 per month.....	600 00
1 Head Laundress at \$25 per month.....	300 00
3 Laundresses at \$15 per month each, being at the rate of \$180 per annum each.....	540 00
1 Laundress for two days each week.....	84 00
1 Nurse for male ward at \$40 per month.....	480 00
1 Nurse for male colored ward at \$30 per month...	360 00
1 Nurse for male colored night ward at \$30 per month	360 00
1 Hostler at \$15 per month.....	180 00
1 Painter and Plasterer at \$35 per month.....	420 00
1 Orderly for male surgical ward at \$30 per month	360 00
1 Orderly for male medical ward at \$30 per month	360 00
1 Orderly for day detention ward at \$30 per month	360 00
1 Orderly for night detention ward at \$30 per month	360 00
1 Wall Cleaner at \$15 per month.....	180 00
1 Bath Porter at \$15 per month.....	180 00
1 Porter for kitchen at \$15 per month.....	180 00
1 Porter for druggist at \$15 per month.....	180 00
1 Orderly for colored ward at \$15 per month.....	180 00
1 General utility man at \$15 per month.....	180 00
1 Superintendent of nurses	1,000 00
1 Assistant Superintendent of nurses at \$75 per month	900 00
1 Surgical nurse at \$60 per month.....	720 00
1 Medical nurse at \$60 per month.....	720 00
3 Ward maids at \$15 per month each, being at the rate of \$180 per annum each	540 00
25 Nurses at \$5 per month each, being at the rate of \$60 per annum each	1,500 00
1 Patient waitress at \$15 per month.....	180 00
1 Window washer, tubercular annex, at \$15 per month	180 00
1 Orderly for tubercular annex, at \$30 per month..	360 00
1 Night male nurse, for tubercular annex, at \$35 per month	420 00
1 Scrubber, tubercular annex, at \$15 per month...	180 00
3 Additional pupil nurses, tubercular annex, at \$5 per month each, being at the rate of \$60 per year	180 00
1 Scullery maid, tubercular annex, at \$15 per month	180 00

1 Ward maid, male surgical ward, at \$15 per month	180 00
93 Employes at	\$ 25,360 00

§ 15. ERUPTIVE HOSPITAL DEPARTMENT.

1 Superintendent, who shall be a regular practicing physician and have the management of said institution, as well as the attending physician upon all cases confined therein	\$ 1,200 00
1 Wagon driver at \$30 per month.....	360 00
2 Regular nurses, when required, and additional nurses may be appointed by the Board of Public Safety in the case of an epidemic, at \$30 per month each	720 00
1 Cook at \$25 per month	300 00
1 Laundress at \$20 per month.....	240 00
6 Employes	\$ 2,820 00

§ 16. That all salaries provided for in this ordinance shall be payable in monthly installments on the pay roll of the departments herein mentioned, respectively, and not otherwise.

§ 17. The ordinance approved May 27, 1902, entitled "An Ordinance Creating a Plumbing Department in the City of Louisville;" the ordinance approved June 29, 1908, entitled "An Ordinance concerning the Departments under the Board of Public Safety, and fixing the number, salaries and compensation of the officers and employes therein," and all ordinances and parts of ordinances in conflict herewith are hereby repealed.

§ 18. That this ordinance shall take effect and be in force from and after its passage.

Approved May 12, 1909.

BOARD OF PUBLIC WORKS—DEPARTMENTS AND SALARIES.

AN ORDINANCE concerning the departments under the Board of Public Works, and fixing the number, salaries and compensations of the officers and employes therein.

Be it ordained by the General Council of the city of Louisville:

§ 1. The following departments under the Board of Public

Works are hereby created, to-wit: Office, Engineering, Supervisors, Street Cleaning and Public Baths.

§ 2. There may be the number of officers and employes prescribed in this ordinance, and no more, in each of said departments respectively, and their salaries and compensations shall be at the rate of the sums fixed and permitted by this ordinance, and no more; and the pay-rolls for each of said departments shall be made up, certified, and registered for the approval of the General Council each month, in accordance with the provisions of this ordinance and not otherwise.

§ 3. In the Office, Engineering, Supervisors, Street Cleaning and Public Baths departments there may be the following officers, members and employes, who shall receive salaries and compensations at the rates per month and per day which are hereinafter fixed or permitted, and no more.

§ 4. OFFICE DEPARTMENT.

One secretary of the Board of Public Works, one hundred and twenty-five dollars (\$125) per month.

One clerk and stenographer, not more than one hundred dollars (\$100) per month.

One bookkeeper and apportionment clerk, eighty-three and 34-100 dollars (\$83.34) per month.

One timekeeper, seventy-five dollars (\$75) per month.

§ 5. ENGINEER'S DEPARTMENT.

One chief engineer, two hundred and fifty dollars (\$250) per month.

One first assistant engineer, one hundred and twenty-five dollars (\$125) per month.

One expert assistant engineer, not more than one hundred and twenty-five dollars (\$125) per month.

One assistant engineer, not more than one hundred and twenty-five dollars (\$125) per month.

Four assistant engineers, one hundred dollars (\$100) per month each.

One assistant engineer, eighty-three and 34-100 dollars (\$83.34) per month.

One chief clerk to the chief engineer, one hundred dollars (\$100) per month.

One clerk, sixty dollars (\$60) per month.

One stenographer for chief engineer, not more than seventy-five dollars (\$75) per month.

One draftsman, one hundred and twenty-five dollars (\$125) per month.

Two draftsmen, one hundred dollars (\$100) per month each.

Four draftsmen, seventy-five dollars (\$75) per month each.

One calculator, seventy-five dollars (\$75) per month.

One assistant calculator, fifty dollars (\$50) per month.

Four levelers, sixty dollars (\$60) per month each.

Three transitmen, fifty dollars (\$50) per month each.

Nine rodmen, forty dollars (\$40) per month each.

One superintendent of construction and repair, not more than one hundred and twenty-five dollars (\$125) per month.

Four assistant superintendents of construction and repair, one hundred dollars (\$100) per month each.

One superintendent of sewer construction and repair, one hundred and twenty-five dollars (\$125) per month.

One assistant superintendent of sewer construction and repair, one hundred dollars (\$100) per month.

One blacksmith, three dollars (\$3) per day for services actually rendered.

One blacksmith's helper, two dollars and twenty-five cents (\$2.25) per day for services actually rendered.

One inspector of private drains, three dollars and fifty cents (\$3.50) per day for services actually rendered.

One clerk of sewers and sidewalks, eighty-three and 34-100 dollars (\$83.34) per month.

One assistant clerk of sewers and sidewalks, seventy-five (\$75) per month.

One inspector of sidewalks, one hundred dollars (\$100) per month.

One inspector of gas and water repairs, seventy-five dollars (\$75) per month.

One inspector of cement, three dollars (\$3) per day for services actually rendered.

One assistant inspector of cement, two dollars and fifty cents (\$2.50) per day for services actually rendered.

One superintendent of pumps, one hundred dollars (\$100) per month.

One assistant superintendent of pumps, seventy-five dollars (\$75) per month.

In the pumps and wells shop, one carpenter and one blacksmith, whose salaries shall be each per day, two dollars and fifty cents (\$2.50) for services actually rendered; two skilled laborers, whose salaries shall be each per day two dollars and fifty cents (\$2.50) for services actually rendered, and not exceeding four laborers, whose salaries shall be each per day one dollar and seventy-five cents (\$1.75) for services actually rendered.

Foremen shall receive three dollars (\$3) each per day for services actually rendered.

Stonecutters and granite pavers shall receive a salary of not exceeding four dollars and fifty cents (\$4.50) each per day (of nine hours); bowlder pavers, not exceeding three dollars (\$3.00) each day (of nine hours); rammers, not exceeding three dollars (\$3) each per day (of nine hours), and brick pavers, not exceeding three dollars (\$3) each per day (of nine hours).

Teams, including driver, shall be employed at not exceeding four dollars (\$4) per day for services actually rendered.

§ 6. SUPERVISOR'S DEPARTMENT.

Not more than thirty-three (33) supervisors, whose salaries shall be each per day three dollars (\$3) for services actually rendered.

§ 7. STREET CLEANING DEPARTMENT.

One superintendent, one hundred and twenty-five dollars (\$125) per month.

One clerk, ninety-one and 67-100 dollars (\$91.67) per month.

Six foremen, seventy-five dollars (\$75) per month each.

Three assistant foremen, sixty-five dollars (\$65) per month each.

One stable man, seventy-five dollars (\$75) per month.

Extra foremen, fifty-two dollars (\$52) per month each.

Eight dump men, one dollar and seventy-five cents (\$1.75) each per day for services actually rendered.

Four catch basin men, two dollars (\$2) each per day for services actually rendered.

All laborers in this department shall each receive not more than one dollar and seventy-five cents (\$1.75) per day (of nine hours) for the time they are actually employed at work.

Teams, including driver, shall be employed at not exceeding four dollars (\$4) per day for services actually rendered.

§ 8. PUBLIC BATHS DEPARTMENT.

One superintendent, sixty-five dollars (\$65) per month.

One assistant superintendent, thirty dollars (\$30) per month.

§ 9. LABORERS.

All laborers employed by the Board of Public Works shall receive not more than one dollar and seventy-five (\$1.75) per

day (of nine hours) for services actually rendered.

§ 10. All ordinances and parts of ordinances in conflict herewith are hereby repealed.

§ 11. This ordinance shall take effect from and after its passage.

Approved March 8, 1909.

BOND ISSUE.

Bonds for Construction of Sewers and Purchase of Park Property.

AN ORDINANCE concerning the issuance of bonds of the city of Louisville in the sum of five hundred thousand dollars (\$500,000), for the construction of sewers in the city of Louisville and for the acquisition of tracts of land for park property.

Be it ordained by the General Council of the city of Louisville:

§ 1. That for the purpose of raising money for the construction of sewers in the city of Louisville, and for the acquisition of the tract of land hereinafter described and other land for park property, in accordance with the provisions of section 92 of the act of the General Assembly of the Commonwealth of Kentucky for the government of cities of the first class, approved July 1, 1893, the Mayor is hereby authorized and directed to cause to be prepared bonds of the city of Louisville in the sum of five hundred thousand (\$500,000) dollars, each of said bonds to be of the denomination of one thousand (\$1,000) dollars, and to be dated January 1, 1901, and to become due and payable forty (40) years after said date, and to bear interest at the rate of three per cent. per annum, payable semi-annually by coupons attached; the principal and interest of said bonds to be made payable in gold coin of the United States of America, of the present standard weight and fineness, and payable at the National Bank of the Republic, in the city and State of New York. Said bonds shall be signed by the Mayor and attested by the Comptroller, and sealed with the corporate seal of the city; and the name of the Comptroller shall be lithographed or engraved upon the coupons attached, and said bonds shall be numbered from one (1) to five hundred (500), inclusive, and shall be countersigned and registered by the Secretary and Treasurer of the Sinking Fund.

§ 2. The said bonds shall be and shall show upon their face that they are exempt from any and all forms of taxation for municipal purposes by the city of Louisville, and are a charge upon the Sinking Fund of said city.

§ 3. In order to provide for the payment of the principal and interest of said bonds as they fall due, a tax a two (2) cents on each one hundred dollars' (\$100.) worth of property taxable for municipal purposes in the city of Louisville is hereby levied, and shall be collected, as other taxes, annually until said bonds, principal and interest, shall be fully paid. Said tax, when collected, shall be paid into the treasury of the Sinking Fund, and the excess of the fund arising from said levy, after paying the interest as aforesaid on said bonds, shall be set apart by the Commissioners of the Sinking Fund of the city of Louisville and safely invested so as to yield interest, and the sinking fund arising therefrom shall be preserved and used alone for the payment of the principal of said bonds at maturity.

§ 4. The issue of bonds herein authorized to be made is upon the express condition that two hundred and fifty thousand (\$250,000) dollars of the proceeds of said bonds, or so much thereof as may be necessary, shall be used and expended by the Board of Park Commissioners of the city of Louisville exclusively for acquiring the title, by purchase, or condemnation proceedings for park property, of a certain tract of land situated in the city of Louisville, containing about eighteen (18) acres, commonly known as Central Park or du Pont Square, bounded as follows: On the east by Fourth street, on the north by Park avenue, on the west by Sixth street, and on the south by Victoria place. If there should be any of said proceeds remaining after the purchase of said square of land, said balance shall be used for the purchase of other interior property for park purposes.

The proceeds of the other two hundred and fifty thousand dollars (\$250,000) of said bonds shall be used and expended, under the supervision of the Board of Public Works of the city of Louisville, in the construction of such sewers in the city of Louisville as may be provided for by ordinance as hereinafter expressed.

§ 5. At the November election, in the year 1900, there shall be submitted, as required by law, to the qualified voters of the city of Louisville, the question as to whether the city shall issue said bonds, and the said bonds shall not be issued unless at said election two-thirds of those voting on the said question shall vote in favor of the issuance of said bonds as herein provided.

In the event that two-thirds of those voting on said question, at said election, shall vote in favor of the issuance of said bonds, the fact that they have done so shall be certified to by the Mayor upon said bonds, and the said bonds shall then, but only in that event, be issued by the city, and two hundred and fifty thousand (\$250,000) dollars thereof delivered by the Mayor to the Board of Park Commissioners of the city of Louisville, and so much thereof as may be necessary shall be, by the said Board of Park Commissioners of the city of Louisville, sold and disposed of at not less than par, for the purpose of the acquisition of the said hereinbefore described tract of land for park property, and the remainder, if any, to be used for the purchase of other interior property for park purposes; the other two hundred and fifty thousand (\$250,000) dollars of said bonds shall be delivered to and be held by the Treasurer of the city of Louisville, and shall be so held by him until ordered to be sold by resolution of the General Council of the city of Louisville. The said bonds shall not be sold or disposed of at less than par, and when sold the proceeds of said bonds shall be used and expended, under the supervision of the Board of Public Works of the city of Louisville, in the construction of such sewers in the city of Louisville, as may be provided by ordinance passed by the General Council of the city of Louisville.

§ 6. This ordinance shall take effect from its passage.

Approved October 17, 1900.

BOND ISSUE—SEWER CONSTRUCTION.

AN ORDINANCE concerning the issuance of bonds of the city of Louisville in the sum of four million dollars for the construction of a comprehensive system for the disposition of sewerage.

Be it ordained by the General Council of the city of Louisville:

§ 1. That in order to raise money for the construction of a comprehensive system for the disposition of sewerage, as provided in an act of the General Assembly of the Commonwealth of Kentucky, approved February 19, 1906, and entitled, "An act to enable cities of the first class to construct a comprehensive system for the disposition of sewerage," the Mayor be, and he is hereby authorized and directed to cause

to be prepared bonds of the city of Louisville in the sum of four million (\$4,000,000) dollars, each of said bonds to be of the denomination of one thousand (\$1,000) dollars, and to be dated February 1, 1907, and to become due and payable forty (40) years after said date, and to bear interest at the rate of four (4) per cent. per annum, payable semi-annually, for which interest coupons shall be attached to said bonds; the principal and interest of said bonds to be made payable in gold coin of the United States of America, of the present standard weight and fineness, and negotiable and payable to bearer, at the First National Bank of the city of New York, in the State of New York; said bonds shall be signed by the Mayor and attested by the Comptroller, and sealed with the proper seal of the city of Louisville; but the interest coupons attached to said bonds shall be authenticated alone by the engraved signature of the Comptroller, the bonds to be numbered from one (1) to four thousand (4,000), both inclusive, and countersigned and registered by the Secretary and Treasurer of the Commissioners of the Sinking Fund of the city of Louisville.

§ 2. The said bonds shall be, and shall show upon their face that they are, exempt from any and all forms of taxation for municipal purposes of the city of Louisville, and they shall be a charge upon the Sinking Fund of the city of Louisville.

§ 3. In order to pay the principal and interest of said bonds as and when they shall mature, there is hereby levied on all property subject to municipal taxation in the city of Louisville, and ordered to be collected, for the fiscal year ending August 31, 1907, a tax sufficient to raise the sum of sixty-five thousand seven hundred and eight (\$65,708) dollars; and for the fiscal year ending August 31, 1908, a tax sufficient to raise the sum of one hundred and fifteen thousand seven hundred and eight (\$115,708) dollars; and for the fiscal year ending August 31, 1909, a tax sufficient to raise the sum of one hundred and seventy-five thousand and seven hundred and eight (\$175,708) dollars; and for the fiscal year ending August 31, 1910, and for each fiscal year thereafter, until both the principal and interest of said bonds shall be fully paid off and discharged, or until a fund sufficient to do so has been accumulated, a tax sufficient to raise the sum of two hundred and five thousand seven hundred and eight (\$205,708) dollars. The said taxes when collected shall be paid into the treasury of the Commissioners of the Sinking Fund of the city of Louisville, and the excess of the fund arising from said tax levy, after paying the interest on said bonds as

aforesaid, shall be set apart by the Commissioners of the Sinking Fund of the City of Louisville and safely invested so as to yield interest, and the fund arising therefrom shall be preserved and used for the payment of the principal of said bonds at maturity, and for no other purpose.

§ 4. The issue of said bonds herein authorized shall be upon the express condition that the same shall be delivered, when executed as aforesaid, to the Commissioners of Sewerage of Louisville, to be by them sold at not less than par, and the proceeds thereof (not including any premium that may be obtained thereon) to be used by said Commissioners in the construction of a comprehensive system for the disposition of sewerage of the city of Louisville under the provisions of the aforesaid act of the General Assembly of the Commonwealth of Kentucky, and for no other purpose, and the premium, if any, realized upon the sale of said bonds, shall be turned over to the Commissioners of the Sinking Fund of the city of Louisville and constitute a part of the Sinking Fund for the ultimate retirement of said bonds. Not more than one million (\$1,000,000) dollars face value of said bonds shall be sold and delivered to the purchaser during the fiscal year ending August 31, 1907, and not more than an additional one million five hundred thousand (\$1,500,000) dollars face value of said bonds shall be sold and delivered to the purchaser during the fiscal year ending August 31, 1908. The remaining one million five hundred thousand (\$1,500,000) dollars face value of said bonds may be sold and delivered to the purchaser at any time after said last mentioned period. All interest coupons that are past due at the date of the sale of any of said bonds shall be first cut off and delivered to the Commissioners of the Sinking Fund of the city of Louisville for cancellation.

§ 5. That at the general election, to be held on November 6, 1906, there shall be submitted, as required by law, to the qualified voters of the city of Louisville the question as to whether the city of Louisville shall issue said bonds for the purposes aforesaid, as provided for in this ordinance, and none of said bonds shall be prepared or issued unless at said election two-thirds of those voting on the said question shall vote in favor of the issuance of said bonds, as provided for in this ordinance; but in the event it shall be duly ascertained, and certified, as required by law, that two-thirds of those voting on said question at said election voted in favor of the issuance of said bonds for the purposes aforesaid, as provided for by this ordinance, the fact that they have done so shall be certified to by the Mayor upon the face of said bonds, which

bonds shall then, and only in that event, be used and delivered to the Commissioners of Sewerage of Louisville, to be by them sold, and the proceeds applied as aforesaid.

§ 6. On each ballot which shall be prepared for use in the city of Louisville at the general election on November 6, 1906, there shall be printed the following question or proposition required to be submitted to the qualified voters of the city of Louisville by this ordinance, viz: "Are you in favor of the issue by the city of Louisville of bonds for four million (\$4,000,000) dollars; as provided in Ordinance No. —, Series 1906, to be used under an act of the General Assembly of the Commonwealth of Kentucky, and entitled 'An act to enable cities of the first class to construct a comprehensive system for the disposition of sewerage,' approved February 19, 1906," and the Mayor is hereby authorized and directed to give public notice of the time, place and purpose of the election upon said question or proposition for at least ten (10) days (exclusive of Sundays) prior to the day of election, in each of the daily morning and afternoon papers published in the city of Louisville, in which notice this ordinance shall be embodied.

§ 7. This ordinance shall take effect from and after its passage.

Approved October 2, 1906.

BONDS—REFUNDING.

AN ORDINANCE authorizing the refunding of certain bonds of the city of Louisville, which are a charge upon the Sinking Fund of the city of Louisville.

WHEREAS, It has been certified to the General Council of the city of Louisville by the Board of Commissioners of the Sinking Fund of the city of Louisville that the revenue and available assets of the Sinking Fund will be insufficient without unduly impairing the same, to pay when due the following coupon bonds, which are a charge upon the Sinking Fund, to-wit: Four hundred and nintey-nine (499) bonds of the city of Louisville, issued to the Louisville Water Company, each for the sum of one thousand (\$1,000) dollars, all dated July 1, 1867, and due July 1, 1897, bearing interest at the rate

of six per centum per annum from that date until paid; therefore,

Be it ordained by the General Council of the city of Louisville:

§ That the Mayor of the city of Louisville be and he is hereby authorized and directed to cause to be prepared, as soon as possible, so many coupon bonds of the city of Louisville as may be necessary, when sold, to pay off and refund when due said four hundred and ninety-nine thousand dollars of bonds hereinbefore mentioned; said bonds to be sold at not less than par, said bonds to be of the denomination of one thousand dollars each, with interest from date until paid at the rate of four per centum per annum, payable semi-annually, the sales of interest to be represented by coupons attached to said bonds; said bonds to be numbered respectively from one to the maximum number of said bonds issued inclusive; the principal and interest of said bonds to be payable in gold coin of the United States of the present standard of weight and fineness at the National Bank of the Republic, New York City. Said bonds shall each be signed by the Mayor and sealed with the corporate seal of the city of Louisville, countersigned by the Auditor of the city, registered and countersigned by the Secretary and Treasurer of the Sinking Fund; the coupons shall bear the engraved fac similie signature of the Auditor of the city alone; said bonds shall bear date of July 1, 1897, and shall be payable forty years from their date. Said bonds when prepared, shall be delivered by the Mayor to the Commissioners of the Sinking Fund of the city of Louisville, and by said Commissioners of the Sinking Fund to be disposed of as authorized by law. With the proceeds of sale the Commissioners of the Sinking Fund of the city of Louisville shall pay off and extinguish, when due, the four hundred and ninety-nine bonds of the city of Louisville to the Louisville Water Company, each for the sum of one thousand dollars, all dated July 1, 1867, and due July 1, 1897, bearing interest at the rate of six per centum per annum from date until paid. The purchaser of said bonds to be in no wise charged with the enforcement of the whole or any part of this trust.

§ 2. The bonds herein provided for shall be a charge upon the Sinking Fund of the city of Louisville, and the Commissioners thereof shall receive the tax herein provided for the payment of the principal and interest of said bonds when due.

§ In order to provide for the payment of the principal and interest of said bonds, when due, a tax of three cents on each one hundred dollars worth of property in the city of

Louisville, which is liable by law to be taxed, is hereby ordered to be levied and collected annually, until said bonds, principal and interest, are fully paid off and discharged.

§ 4. The ordinance entitled, "An ordinance authorizing the refunding of certain bonds of the city of Louisville, which are a charge upon the Sinking Fund of the city of Louisville," approved April 9, 1897, and published April 10, 1897, is hereby repealed.

§ 5. This ordinance shall take effect from and after its publication.

Approved June 25, 1897.

BONDS—REFUNDING.

AN ORDINANCE authorizing the refunding of certain bonds of the city of Louisville, which are a charge upon the Sinking Fund of the city of Louisville.

WHEREAS, It has been certified to the General Council of the city of Louisville, by the Board of Commissioners of the Sinking Fund of the city of Louisville, that the revenue and available assets of the Sinking Fund will be insufficient, without duly impairing the same, to pay when due, the following coupon bonds, which are a charge upon the Sinking Fund, to-wit:

Four hundred and ninety (490) bonds of the city of Louisville, issued to pay old liabilities, each for the sum of one thousand (\$1,000) dollars, all dated May 1, 1880, and due May 1, 1920, with option of redemption after twenty years, bearing interest at the rate of five per cent. per annum, payable semi-annually, from their date until paid, said bonds being commonly known as the city of Louisville five per cent. 20-40's; therefore,

Be it ordained by the General Council of the city of Louisville:

§ 1. That the Mayor of the city of Louisville be, and he is hereby authorized and directed to cause to be prepared, as soon as practicable, so many coupon bonds of the city of Louisville as may be necessary, when sold, to pay off and refund as of May 1, 1900, said four hundred and ninety thousand (\$490,000) dollars of bonds hereinbefore mentioned; said refunding bonds to be sold at not less than par and accrued interest; to be of the denomination of one thousand (\$1,000)

dollars each, with interest from their date until paid, at the rate of three and one-half ($3\frac{1}{2}$) per centum per annum, payable semi-annually; the gales of interest to be represented by coupons attached to said bonds, which shall be numbered consecutively from one to the maximum number of said bonds issued, inclusive; the principal and interest of said bonds to be payable in gold coin of the United States of America of the present standard of weight and fineness, at the National Bank of the Republic in New York City. Said bonds shall be signed by the Mayor and sealed by the corporate seal of the city of Louisville, countersigned by the Comptroller of the city, registered and countersigned by the secretary and treasurer of the Sinking Fund; the coupons shall bear the engraved fac simile signature of the Comptroller of the city alone. Said bonds shall bear date May 1, 1900; shall be payable forty (40) years from their date; shall be, and shall show upon their face that they are exempt from any and all forms of taxation for municipal purposes by the city of Louisville by reason of any present or future law or laws of said city, and shall be styled and known as "City of Louisville Refunding Gold Bonds, Third Issue."

Said bonds, when prepared, shall be delivered by the Mayor to the Commissioners of the Sinking Fund of the city of Louisville, to be by them sold or exchanged, as they may deem most expedient, in order to retire the bonds aforesaid. With the proceeds of the sale the Commissioners of the Sinking Fund of the city of Louisville shall call in, pay off, and extinguish the said four hundred and ninety (490) bonds of the city of Louisville, issued to pay old liabilities, each for the sum of one thousand (\$1,000) dollars, all dated May 1, 1880, and due May 1, 1920, with option of redemption twenty (20) years after issuance, bearing interest at the rate of five (5) per centum per annum, payable semi-annually from their date until paid. The purchasers of said refunding bonds are in no wise to be charged with the enforcement of the whole or any part of this trust.

§ 2. The bonds herein provided for shall be a charge upon the Sinking Fund of the city of Louisville, and the Commissioners thereof shall receive the tax herein provided for the payment of the interest and principal of said bonds when due.

§ 3. That in order to provide for the payment of the principal and interest of the bonds herein authorized to be issued, when due, a tax of two cents on each one hundred (\$100) dollars worth of property in the city of Louisville, liable by law to be taxed, is hereby ordered to be levied and collected annually until said bonds, principal and interest, are fully

paid off and discharged. The fund arising from this levy shall be first applied to the payment of the interest on the refunding bonds hereby authorized, and the remainder of said fund shall be securely and profitably invested by the Commissioners of the Sinking Fund, to be sacredly applied to the payment of the principal of said refunding bonds at maturity, and to no other purpose.

§ 4. That this ordinance shall take effect from and after its passage.

Approved March 21, 1900.

BONDS—REFUNDING.

AN ORDINANCE authorizing the refunding of certain bonds of the city of Louisville, which are a charge upon the Sinking Fund of the city of Louisville.

WHEREAS, It has been certified to the General Council of the City of Louisville by the Board of Commissioners of the Sinking Fund of the city of Louisville that the revenue and available assets of the Sinking Fund will be insufficient without unduly impairing the same, to pay when due the following coupon bonds, which are a charge upon the Sinking Fund, to-wit:

First—One hundred and nineteen (119) old liability bonds, each for the sum of one thousand (\$1,000) dollars all dated April 1, 1871, and due April 1, 1901, aggregating one hundred and nineteen thousand (\$119,000) dollars, bearing interest at the rate of seven (7) per cent. per annum from date until paid.

Second—Four hundred and twenty-three (423) sewer improvement bonds, each for the sum of one thousand (\$1,000) dollars, all dated June 1, 1871, and due June 1, 1901, aggregating four hundred and twenty-three thousand (\$423,000) dollars, bearing interest at the rate of seven (7) per cent. per annum from date until paid.

Third—One hundred and fifty (150) road-bed bonds, each for the sum of one thousand (\$1,000) dollars, all dated July 1, 1871, and due July 1, 1901, aggregating one hundred and fifty thousand (\$150,000) dollars, bearing interest at the rate of seven (7) per cent. per annum until paid; now, therefore,

Be it ordained by the General Council of the city of Louisville:

§ 1. That the Mayor of the city of Louisville be and he is

hereby authorized and directed to cause to be prepared, as soon as practicable, so many coupon bonds of the city of Louisville as may be necessary, when sold, to pay off and refund as of April 1, 1901, the one hundred and nineteen (119) thousand dollars of bonds herein above mentioned, so many coupon bonds of the city of Louisville as may be necessary, when sold, to pay off and refund as of June 1, 1901, the four hundred and twenty-three (423) thousand dollars of bonds hereinabove mentioned; and so many coupon bonds of the city of Louisville as may be necessary, when sold, to pay off and refund as of July 1, 1901, the one hundred and fifty thousand dollars of bonds hereinabove mentioned. The said refunding bonds shall not be sold at less than par and accrued interest; each of them shall be of the denomination of one thousand (\$1,000) dollars, and shall bear interest from its date until paid at the rate of three and one-half (3½) per cent. per annum, payable semi-annually; the sales of interest to be represented by coupons attached to said bonds, which shall be numbered consecutively from one to the maximum number of said bonds issued, inclusive, to refund the said three sets of bonds, respectively; the principal and interest coupons of said refunding bonds shall be negotiable and payable to bearer in gold coin of the United States of America, of the present standard of weight and fineness, at the National Bank of the Republic, in the city and State of New York. All of said bonds shall be signed by the Mayor, and sealed with the corporate seal of the city of Louisville, countersigned by the Comptroller of the city, registered and countersigned by the secretary and treasurer of the Sinking Fund of the city of Louisville; the coupons shall bear the engraved *fac simile* signature of the Comptroller of the city alone. Said bonds issued to take up and refund said one hundred and nineteen (119) bonds of the city dated April 1, 1871, shall be dated April 1, 1901; said bonds issued to take up and refund said four hundred and twenty-three (423) bonds of the city dated June 1, 1871, shall be dated June 1, 1901; and said bonds issued to take up and refund said one hundred and fifty (150) bonds of the city dated July 1, 1871, shall be dated July 1, 1901. All of said refunding bonds shall be payable forty (40) years from their respective dates; shall be, and shall show on their face, that they are exempt from all forms of taxation for municipal purposes by the city of Louisville by reason of any present or future law or laws of said city, and shall be styled and known as "City of Louisville Refunding Gold Bonds, Fourth, Fifth and Sixth Issue," respectively.

§2. That said bonds, when prepared, shall be delivered by the Mayor to the Commissioners of the Sinking Fund of the city of Louisville, to be by them sold or exchanged, as they may deem most expedient, in order to retire the bonds maturing as aforesaid on April 1, June 1 and July 1, 1901, respectively. With the proceeds of the sale of said refunding bonds the Commissioners of the Sinking Fund of the city of Louisville shall call in, pay off, and extinguish the said bonds of the city maturing at the said dates respectively as herein above set forth. The purchasers of said refunding bonds are in no wise to be charged with the enforcement of the whole or any part of this trust. The refunding bonds herein provided for shall be a charge upon the Sinking Fund of the city of Louisville, and the Commissioners thereof shall receive the tax herein provided for the payment of the interest and principal of said refunding bonds when due respectively.

§ 3. That in order to provide for the payment, when due, of the principal and interest of the bonds herein authorized to be issued to take up and refund said one hundred and nineteen (119) bonds due April 1, 1901, a tax of four-tenths (4-10) of one cent on each one hundred dollars worth of property in said city, liable by law to be taxed, is hereby ordered to be levied and collected annually until said bonds, principal and interest, are fully paid off and discharged.

§ 4. That in order to provide for the payment, when due, of the principal and interest of the bonds herein authorized to be issued to take up and refund said four hundred and twenty-three (423) bonds due June 1, 1901, a tax of one and seven-tenth (1 7-10) cents on each one hundred dollars' worth of property in said city, liable by law to be taxed, is hereby ordered to be levied and collected annually until said bonds, principal and interest, are fully paid off and discharged.

§ 5. That in order to provide for the payment, when due, of the principal and interest of the bonds herein authorized to be issued to take up and refund said one hundred and fifty (150) bonds due July 1, 1901, a tax of six-tenths (6-10) of one cent on each one hundred dollars worth of property in said city, liable by law to be taxed, is hereby ordered to be levied and collected annually until said bonds, principal and interest, are fully paid off and discharged.

§ 6. That the respective funds arising from the levies made by the provisions of sections 3, 4 and 5 of this ordinance, shall be first applied to the payment of the interest on the respective refunding bonds for the payment of which and the interest thereon such levy is hereby made, and the remainder of the said fund shall be securely and profitably invested by the Com-

missioners of the Sinking Fund, to be sacredly applied to the payment of the principal of said refunding bonds respectively at maturity, and to no other purpose.

§ 7. That this ordinance shall take effect from its passage.
Approved February 2, 1901.

BONDS—REFUNDING.

AN ORDINANCE authorizing the refunding of certain bonds of the city of Louisville, which are a charge upon the Sinking Fund of the city of Louisville.

Whereas, It has been certified to the General Council of the city of Louisville by the Board of Commissioners of the Sinking Fund of the city of Louisville, that the revenue and available assets of the said Sinking Fund will be insufficient, without unduly impairing the same, to pay when due the following coupon bonds, which are a charge upon the said Sinking Fund, to-wit: Nine hundred and ninety-eight (998) Elizabethtown and Paducah railroad subscription bonds, all dated January 1, 1873, and due January 1, 1903, bearing interest at the rate of seven (7) per centum per annum, payable semi-annually, from date until paid; therefore,

Be it ordained by the General Council of the city of Louisville:

§ 1. That the Mayor of the city of Louisville be, and he is hereby authorized and directed to cause to be prepared, as soon as practicable, so many coupon bonds of the city of Louisville as may be necessary when sold to pay off and refund as of January 1, 1903, said nine hundred and ninety-eight thousand (\$998,000) dollars of bonds hereinbefore mentioned, said refunding bonds to be sold at not less than par and accrued interest; to be of the denomination of one thousand (\$1,000) dollars each, with interest from their date until paid at the rate of three and one-half (3½) per centum per annum, payable semi-annually; the gales of interest to be represented by coupons attached to said bonds, which shall be numbered consecutively from one (1) to the maximum number of said bonds issued, inclusive; the principal and interest of said bonds to be negotiable and payable to bearer in gold coin of the United States of America of the present standard of weight and fineness at the First National Bank of the city of New York in the State of New York. Said bonds shall be

§ 4. That said ordinance shall take effect from and after its passage.

Approved August 8, 1902.

BONDS—REFUNDING.

AN ORDINANCE authorizing the refunding of certain bonds of the city of Louisville, which are a charge upon the Sinking Fund of the city of Louisville.

Whereas, It has been certified to the General Council of the city of Louisville by the Board of Commissioners of the Sinking Fund of the city of Louisville that the revenue and available assets of the said Sinking Fund will be insufficient, without unduly impairing the same, to pay when due, the following coupon bonds, which are a charge upon the Sinking Fund, to-wit:

Two hundred (200) City Hall bonds, each for the sum of one thousand (\$1,000) dollars, all dated April 1, 1873, and due April 1, 1903, aggregating two hundred thousand (\$200,000) dollars, bearing interest at the rate of seven (7) per cent. per annum, payable semi-annually, from their date until paid; two hundred (200) Road Bed bonds, each for the sum of one thousand (\$1,000) dollars, all dated July 1, 1873, and due July 1, 1903, aggregating two hundred thousand (\$200,000) dollars, bearing interest at the rate of seven (7) per cent. per annum, payable semi-annually, from their date until paid; and six hundred (600) Reconstruction bonds, each for the sum of one thousand (\$1,000) dollars, all dated July 1, 1873, and due July 1, 1903, aggregating six hundred thousand (\$600,000) dollars, bearing interest at the rate of seven (7) per cent. per annum, payable semi-annually, from their date until paid; therefore,

Be it ordained by the General Council of the city of Louisville:

§ 1. That the Mayor of the city of Louisville be and he is hereby authorized and directed to cause to be prepared, as soon as practicable, so many coupon bonds of the city of Louisville as may be necessary, when sold, to pay off and refund as of April 1, 1903, said two hundred thousand (\$200,000) dollars of bonds hereinbefore mentioned, maturing at that date; said refunding bonds to be sold at not less than par and accrued interest; fifty thousand (\$50,000) dollars of which to be

of the denomination of one hundred (\$100) dollars each, and the remainder of said bonds necessary, when sold, to pay off the remainder of said two hundred thousand (\$200,000) dollars of bonds maturing on April 1, 1903, shall be of the denomination of five hundred (\$500) dollars each, all of which bonds shall bear interest from their date until paid at the rate of three and one-half ($3\frac{1}{2}$) per centum per annum, payable semi-annually; the gales of interest to be represented by coupons attached to said bonds, which shall be numbered consecutively from one (1) to the maximum number of said bonds issued, inclusive; the principal and interest of said bonds to be negotiable and payable to bearer in gold coin of the United States of America of the present standard of weight and fineness, at the First National Bank of the city of New York, in the State of New York. Said bonds shall be signed by the Mayor and sealed with the corporate seal of the city of Louisville, countersigned by the Comptroller of the city, registered and countersigned by the secretary and treasurer of said Sinking Fund; the coupons shall bear the engraved *fac-simile* of the signature of the Comptroller of the city alone. Said bonds shall bear date April 1, 1903; shall be payable forty (40) years from their date, and shall be, and show upon their face that they are, exempt from any and all forms of taxation for municipal purposes by the city of Louisville by reason of any present or future law or laws of said city, and shall be styled and known as "City of Louisville Refunding Gold Bonds, Eighth Issue."

§ 2. That the Mayor of the city of Louisville be and he is hereby authorized and directed to cause to be prepared, as soon as practicable, so many coupon bonds of the city of Louisville as may be necessary, when sold, to pay off and refund as of July 1, 1903, said two hundred (200) and said six hundred (600) bonds, making in all eight hundred thousand (\$800,000) dollars of bonds hereinbefore mentioned, maturing at that date; said refunding bonds to be sold at not less than par and accrued interest; to be of the denomination of one thousand (\$1,000) dollars each, with interest from their date until paid at the rate of three and one-half ($3\frac{1}{2}$) per centum per annum, payable semi-annually; the gales of interest to be represented by coupons attached to said bonds which shall be numbered consecutively from one (1) to the maximum number of said bonds issued, inclusive; the principal and interest of said bonds to be negotiable and payable to bearer in gold coin of the United States of America of the present standard of weight and fineness at the First National Bank, of the city of New York, in the State of New York. Said bonds shall be signed

by the Mayor and sealed by the corporate seal of the city of Louisville, countersigned by the Comptroller of the city, registered and countersigned by the secretary and treasurer of said Sinking Fund; the coupons shall bear the engraved *fac-simile* of the signature of the Comptroller of the city alone. Said bonds shall bear date July 1, 1903; shall be payable forty (40) years from their date; shall be, and shall show upon their face that they are exempt from any and all forms of taxation for municipal purposes by the city of Louisville by reason of any present or future law or laws of said city, and shall be styled and known as "City of Louisville Refunding Gold Bonds, Ninth Issue."

§ 3. All of said bonds provided for in section 1 of this ordinance, when prepared, shall be delivered by the Mayor to the Commissioners of the Sinking Fund of the city of Louisville, to be by them sold or exchanged as they may deem most expedient, at the highest price obtainable in order to retire the two hundred (200) bonds aforesaid maturing on April 1, 1903. With the proceeds of the sale of said bonds the Commissioners of the Sinking Fund of the city of Louisville shall pay off, and extinguish said two hundred (200) bonds of the city of Louisville issued to pay City Hall expenses, each for the sum of one thousand (\$1,000) dollars, all dated April 1, 1873, and due April 1, 1903, bearing interest at the rate of seven (7) per cent. per annum, payable semi-annually, from their date until paid. The purchasers of said refunding bonds are in no wise to be charged with the enforcement of the whole or any part of this trust.

§ 4. The said bonds provided for in section 2 of this ordinance, when prepared, shall be delivered by the Mayor to the Commissioners of the Sinking Fund of the city of Louisville, to be by them sold or exchanged as they may deem most expedient, at the highest price obtainable in order to retire the two hundred (200) bonds known as the Road Bed bonds, and six hundred (600) bonds known as Reconstruction bonds, maturing as aforesaid on July 1, 1903. With the proceeds of said sale of said bonds the Commissioners of the Sinking Fund of the City of Louisville shall pay off, and extinguish the said two hundred (200) bonds and six hundred (600) bonds, making in all eight hundred (800) bonds of the city of Louisville issued to pay expenses for road bed and reconstruction, each for the sum of one thousand (\$1,000) dollars, all dated July 1, 1873, and due July 1, 1903, bearing interest at the rate of seven (7) per cent. per annum, payable semi-annually, from their date until paid. The purchasers of said refunding bonds are

in nowise to be charged with the enforcement of the whole or any part of this trust.

§ 5. That all of the bonds when provided for shall be a charge upon the Sinking Fund of the city of Louisville, and the Commissioners thereof shall receive the tax herein provided for the payment of interest and principal of said bonds, respectively, when due.

§ 6. That in order to provide for the payment of the interest and principal of the bonds, when due, herein authorized to be issued by section 1 of this ordinance, a tax of eight-tenths (8-10) of one (1) cent on each one hundred (\$100) dollars' worth of property in the city of Louisville, liable by law to be taxed, is hereby ordered to be levied and collected annually until said bonds, principal and interest, are fully paid off and discharged, or until a fund sufficient to do so has been accumulated for that purpose. The fund arising from this levy shall be first applied to the payment of the interest on the refunding bonds hereby authorized in said section, and the remainder of said fund shall be securely and profitably invested by the Commissioners of said Sinking Fund, to be sacredly applied to the payment of the principal of said refunding bonds at maturity, and to no other purpose.

§ 7. That in order to provide for the payment of the interest and principal of the bonds, when due, herein authorized to be issued by section 2 of this ordinance, a tax of three and two-tenths (3 2-10) cents on each one hundred (100) dollars' worth of property in the city of Louisville, liable by law to be taxed, is hereby ordered to be levied and collected annually until said bonds, principal and interest, are fully paid off and discharged, or until a fund sufficient to do so has been accumulated for that purpose. The fund arising from this levy shall be first applied to the payment of the interest on the refunding bonds hereby authorized in said section, and the remainder of said fund shall be securely and profitably invested by the Commissioners of said Sinking Fund, to be sacredly applied to the payment of the principal of said bonds at maturity, and to no other purpose.

§ 8. That this ordinance shall take effect from and after its passage.

Approved March 6, 1903.

BONDS—WATER COMPANY.**Exempt from Municipal Taxes.**

Whereas, The City of Louisville is the owner of the Louisville Water Company, and has recently taken the management and control of all of its property, through a Board of Water Works, as authorized under the provisions of an Act of the Legislature, approved March 6, 1906; and

Whereas, Said Board of Water Works has issued and placed in the hands of the Commissioners of the Sinking Fund of the city of Louisville for sale one million (\$1,000,000) dollars of bonds secured by a mortgage upon the property of the Louisville Water Company; and

Whereas, Said property is by said Act of the Legislature exempt from city taxes, and it being to the interest of the city of Louisville that said bonds shall bring the highest possible price when offered for sale; now, therefore,

Be it ordained by the General Council of the city of Louisville:

§ 1. That the one million (\$1,000,000.00) dollars of bonds of the Louisville Water Company, executed by the Board of Water Works, dated July 2, 1906, and secured by a mortgage upon the property of the Louisville Water Company and placed in the hands of the Commissioners of the Sinking Fund of the city of Louisville for sale, be, and the same are hereby declared to be exempt in the hands of any future purchaser or owners thereof from all municipal taxes of the city of Louisville, of every kind and description.

§ 2. This ordinance shall take effect from and after its passage.

Approved January 14, 1907.

BONDS—PAYING PREMIUMS.

AN ORDINANCE providing for the payment of the premiums on the bonds of the financial officers of the city of Louisville.

Whereas, The financial officers of the city of Louisville are required to execute bonds for the faithful discharge of

their duties, and to account for all moneys that come into their hands; now, therefore,

Be it ordained by the General Council of the city of Louisville:

§ 1. That the city of Louisville will hereafter pay the premiums on the bonds required to be executed by the Tax Receiver and his cashier, by the Treasurer and his clerk, by the Auditor and the Comptroller, the costs thereof to be charged to the General Purpose Fund, provided that such bonds be placed with that surety or surety company furnishing the lowest rate per thousand dollars of the amount of liability incurred under such bonds.

§ 2. This ordinance shall take effect from and after its passage.

Approved October 15, 1906.

BONDS OF RETAIL LIQUOR DEALERS.

AN ORDINANCE relating to bonds of retail liquor dealers.

Be it ordained by the General Council of the city of Louisville:

§ 1. Before any license shall be issued to any individual, firm, company or corporation, to sell spirituous, vinous or malt liquors by retail in the city of Louisville, said individual, firm, company or corporation shall execute to the city of Louisville and file with the License Board, subject to its approval, a bond in the penalty of \$500.00, with two good sureties, residents of the city of Louisville, who are owners of property in the city of Louisville, subject to execution, worth not less than \$500.00, conditioned that said individual, firm, company or corporation will not violate the requirements of the law.

§ 2. This ordinance shall take effect from and after its passage.

Approved July 16, 1908.

BOUNDARIES OF CITY—REDUCTION OF.

AN ORDINANCE proposing to reduce the boundaries of the city of Louisville so as to exclude portions now within the extreme northeastern limits of the city.

Be it ordained by the General Council of the city of Louisville:

§ 1. That it is deemed desirable to reduce the boundaries of the city of Louisville so as to exclude the territory lying within the following limits, to-wit: Beginning at a point in the northwest line of Mellwood avenue where the city boundary line as established by ordinance September 30, 1895, intersects the said northwest line of Mellwood avenue, running thence northeast with the northwest line of Mellwood avenue to the line dividing the lands formerly belonging to Pope and Throckmorton, thence with said dividing line south thirty-six degrees forty-five minutes east ten and three-tenths feet to a tract, number one, conveyed to the Water Company by Throckmorton and Adams; thence with said tract number one north forty-four degrees forty-five minutes east one thousand five hundred and thirty-six and two-tenths feet to intersect with the third line named in a conveyance to the Water Company by Throckmorton and Adams, thence north thirty-seven degrees east two hundred and sixty-three and three-tenths feet to the southerly end of line number two in said last mentioned conveyance; thence north thirty-seven degrees fifteen minutes west one thousand one hundred and fifty-five feet to the southerly line of the Louisville and Oldham Turnpike Road; thence with southerly line of said road north forty-five degrees east one thousand two hundred and seventeen feet to the line dividing the land formerly belonging to Throckmorton and Hewitt; thence with said dividing line south thirty-seven degrees fifteen minutes east one thousand five hundred and seven and five-tenths feet to the northwestwardly corner of a lot conveyed to the Water Company by Hahn and Ferrell, which corner is located at the intersection of the southerly line of the Louisville, Harrod's Creek and Westport Railway Company's right of way with the easterly line of the Water Company's reservoir field; thence eastwardly along said Railway Company's right of way three hundred and fifty-five and five-tenths feet to the westerly line of the Water Company's pipeway to Crescent Hill; thence with the Water Company's line of said pipeway north thirty-five degrees twenty minutes west one thousand six hundred and fifty-two and seven one-hundredths feet to the northerly line of the Louisville and

Oldham Turnpike Road and the southerly line of the Water Company's engine-house field; thence with the northerly line of said turnpike and the southerly line of the engine-house field south forty-two and one-half degrees west three hundred and sixty-two and seventy-eight one-hundredths feet to the westerly line of the aforesaid engine-house lot; thence with said engine-house lot north thirty-seven degrees fifteen minutes west one thousand five hundred and thirty-three and eighteen one-hundredths feet to low water in the Ohio river; thence up said river north fifty-seven degrees forty-five minutes east eight hundred and fifty-six and sixty-eight one-hundredths feet to the easterly line of the engine-house lot; thence south thirty-seven degrees fifteen minutes east one thousand three hundred and fifty-seven feet to the northerly line of the Louisville and Oldham Turnpike Road; thence with said northerly line south forty-two and one-half degrees west four hundred and forty-six and seventeen one-hundredths feet to the easterly line of the before-mentioned pipeway to Crescent Hill; thence with said pipeway south thirty-five degrees twenty minutes east six thousand two hundred and ninety-seven and sixty-nine one-hundredths feet; thence north fifty-three degrees forty-seven minutes east five hundred and one and five-tenths feet; thence south thirty-six degrees thirteen minutes east one thousand and one and eight one-hundredths feet to the line of the Brownsboro turnpike road; thence west with the line of the Brownsboro turnpike road to the westerly line of the before-mentioned pipeway; thence with the westerly line of same north thirty-six degrees thirteen minutes west nine hundred feet, more or less; thence south fifty-three degrees forty-seven minutes west four hundred and ninety-one and five-tenths feet; thence north thirty-five degrees twenty minutes west four thousand five hundred and fifty-seven and four-tenths feet; thence south sixty degrees forty-five minutes west three hundred and fifty-six and four-tenths feet, to the eastwardly line of the Water Company's tract of land purchased from Throckmorton and Adams; thence with said tract south thirty-seven degrees fifteen minutes east one thousand four hundred and eighty-three and fifty-four one-hundredths feet to a corner common to the land formerly owned by——Thompson and the Water Company; thence south fifty-one degrees forty-five minutes west one thousand two hundred and fourteen and four-tenths feet; thence north thirty-seven degrees fifteen minutes west one thousand two hundred and twenty-five feet; thence north seventy-two degrees fifty-seven minutes west two hundred and forty-two and twenty-two one-hundredths feet; thence north seventy-eight degrees twenty-

seven minutes, west one hundred and thirty-seven and ninety-four one-hundredths feet; thence north eighty-eight degrees forty-two minutes west one hundred and eighteen and eight-tenths feet; thence south sixty-nine degrees nine minutes west one hundred and twenty-two and one-tenth feet; thence south fifty-six degrees fourteen minutes west two hundred and sixty-eight and three-tenths feet to the southeasterly point of tract number two, conveyed to the Water Company by Throckmorton and Adams; thence with said tract number two south forty-four degrees forty-five minutes west one thousand and seventy-three feet; thence south thirty-six degrees forty-five minutes east thirty and forty-seven one-hundredths feet to the southeasterly corner of the tract of land conveyed to the Water Company by James W. Bowles and others; thence south forty-five degrees fifteen minutes west to the city boundary line as established by ordinance September 30, 1895; thence northwest with said city boundary line to the point of beginning.

§ 2. This ordinance shall take effect from and after its passage.

Approved Dec. 10, 1908.

BOUNDARIES OF CITY—REDUCTION OF.

AN ORDINANCE reducing the boundaries of the City of Louisville.

Whereas, By an ordinance of the city of Louisville, approved by the Mayor thereof, on the 10th day of December, 1908, being Ordinance No. 327, Series 1908, it was ordained to be desirable to reduce the boundaries of the city of Louisville by striking therefrom the territory hereinafter particularly described, and whereas it appears that said ordinance was thereupon published in at least ten issues of the Evening Post, a daily newspaper published in and having the largest circulation and largest permanent circulation in the city of Louisville, and was likewise published in at least ten issues of the Louisville Anzeiger, a daily German newspaper published in and having the largest circulation and largest permanent circulation of any German newspaper published in the city of Louisville, and whereas it appears that no petition remonstrating against said reduction of territory has been filed in the

Jefferson Circuit Court, although more than thirty days have expired since the enactment of said ordinance, now, therefore,

Be it ordained by the General Council of the city of Louisville:

§ 1. That the boundaries of the city of Louisville be and they are hereby reduced by striking therefrom the territory above referred to, which is more particularly described as follows:

Beginning at a point in the northwest line of Mellwood avenue where the city boundary line as established by ordinance September 30, 1895, intersects the said northwest line of Mellwood avenue; running thence northeast with the northwest line of Mellwood avenue to the line dividing the lands formerly belonging to Pope and Throckmorton, thence with said dividing line south thirty-six degrees forty-five minutes east ten and three-tenths feet to a tract, number one, conveyed to the Water Company by Throckmorton and Adams; thence with said tract number one north forty-four degrees forty-five minutes east one thousand five hundred and thirty-six and two-tenths feet to intersect with the third line named in a conveyance to the Water Company by Throckmorton and Adams, thence north thirty-seven degrees east two hundred and sixty-three and three-tenths feet to the southerly end of line number two in said last-mentioned conveyance; thence north thirty-seven degrees fifteen minutes west one thousand one hundred and fifty-five feet to the southerly line of the Louisville and Oldham turnpike road; thence with southerly line of said road north forty-five degrees east one thousand two hundred and seventeen feet to the line dividing the land formerly belonging to Throckmorton and Hewitt; thence with said dividing line south thirty-seven degrees fifteen minutes east one thousand five hundred and seven and five-tenths feet to the northwestwardly corner of a lot conveyed to the Water Co. by Hahn and Ferrell, which corner is located at the intersection of the southerly line of the Louisville, Harrod's Creek & Westport Railway Co.'s right of way with the easterly line of the Water Company's reservoir field; thence eastwardly along said railway company's right of way three hundred and fifty-five and five-tenths feet to the westerly line of Water Company's pipeway to Crescent Hill; thence with the Water Company's line of said pipeway north thirty-five degrees twenty minutes west one thousand six hundred and fifty-two and seven one-hundredths feet to the northerly line of the Louisville and Oldham turnpike road and the southerly line of the Water Company's engine-house field; thence with the northerly line of said turnpike and the southerly line of the engine-

house field south forty-two and one-half degrees west three hundred and sixty-two and seventy-eight one-hundredths feet to the westerly line of the aforesaid engine-house lot; thence with said engine-house lot north thirty-seven degrees fifteen minutes west one thousand five hundred and thirty-three and eighteen one-hundredths feet to low water in the Ohio river; thence up said river north fifty-seven degrees forty-five minutes east eight hundred and fifty-six and sixty-eight one-hundredths feet to the easterly line of the engine-house lot; thence south thirty-seven degrees fifteen minutes east one thousand three hundred and fifty-seven feet to the northerly line of the Louisville and Oldham turnpike road; thence with said northerly line south forty-two and one-half degrees west four hundred and forty-six and seventeen one-hundredths feet to the easterly line of the before-mentioned pipeway to Crescent Hill; thence with said pipeway south thirty-five degrees twenty minutes east six thousand two hundred and ninety-seven and sixty-nine one-hundredths feet; thence north fifty-three degrees forty-seven minutes east five hundred and one and five-tenths feet; thence south thirty-six degrees thirteen minutes east one thousand and one and eight one-hundredths feet to the line of the Brownsboro turnpike road; thence west with the line of the Brownsboro turnpike road to the westerly line of the before-mentioned pipeway; thence with the westerly line of same north thirty-six degrees thirteen minutes west nine hundred feet, more or less; thence south fifty-three degrees forty-seven minutes west four hundred and ninety-one and five-tenths feet; thence north thirty-five degrees twenty minutes west four thousand five hundred and fifty-seven and four-tenths feet; thence south sixty degrees forty-five minutes west three hundred and fifty-six and four-tenths feet, to the eastwardly line of the Water Company's tract of land purchased from Throckmorton and Adams; thence with said tract south thirty-seven degrees fifteen minutes east one thousand four hundred and eighty-three and fifty-four one-hundredths feet to a corner common to the land formerly owned by ——— Thompson and the Water Company; thence south fifty-one degrees forty-five minutes west one thousand two hundred and fourteen and four-tenths feet; thence north thirty-seven degrees fifteen minutes west one thousand two hundred and twenty-five feet; thence north seventy-two degrees fifty-seven minutes west two hundred and forty-two and twenty-two one-hundredths feet; thence north seventy-eight degrees twenty-seven minutes west one hundred and thirty-seven and ninety-four one-hundredths feet; thence north eighty-eight degrees forty-two minutes west one hundred

and eighteen and eight-tenths feet; thence south sixty-nine degrees nine minutes west one hundred and twenty-two and one-tenth feet; thence south fifty-six degrees fourteen minutes west two hundred and sixty-eight and three-tenths feet to the southeasterly point of tract number two, conveyed to the Water Company by Throckmorton and Adams; thence with said tract number two south forty-four degrees forty-five minutes west one thousand and seventy-three feet; thence south thirty-six degrees forty-five minutes east thirty and forty-seven one-hundredths feet to the southeasterly corner of the tract of land conveyed to the Water Company by James W. Bowles and others; thence south forty-five degrees fifteen minutes west to the city boundary line as established by ordinance September 30, 1895; thence northwest with said city boundary line to the point of beginning.

§ 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

§ 3. This ordinance shall take effect and be in force from and after its passage.

Approved February 17, 1909.

BUILDING DEPARTMENT.

AN ORDINANCE establishing and providing for a Department of Buildings for the City of Louisville, and to regulate the construction, equipment, maintenance, alteration, repairing and removal of buildings, and the occupancy and obstruction of streets and alleys in the performance of same and providing certain penalties for the violation thereof, same to be known and cited as the Building Code.

PART I.

Be it ordained by the General Council of the city of Louisville:

§ 1. Inspector and Assistants.

That in the establishment, government and maintenance of the Department of Buildings of the City of Louisville, the

following ordinance to be known and cited as the Building Code shall prevail, viz.:

The Inspector of Buildings, his assistants and his clerks, shall be appointed by the Board of Public Safety and shall hold their offices during the pleasure of said board.

The Inspector of Buildings and his assistants shall not during their term of office be employed or engaged directly or indirectly in any building business, or enter into any contract for buildings for others, or to furnish materials, specifications or plans for buildings for others in the City of Louisville.

§ 2. Duties of Inspector of Buildings.

It shall be the duty of said Inspector of Buildings to cause to be kept a record of all applications for permits, which shall be regularly numbered in the order of their issue, also a record showing the number, description and size of all buildings erected in the city during his term of office; of what material constructed and the aggregate of the number, kind and cost of all buildings; the ground area and the number of cubic feet contained in such buildings; the inspection, removal and condemnation of buildings and all other matters proper to be recorded.

Said Inspector of Buildings shall have full power to pass upon any question arising under the provisions of this ordinance relative to the manner of construction or material to be used in the erection, alteration or repair of any building.

Any duty or act required of or authorized to be done by the Inspector of Buildings may be performed by any Assistant Building Inspector, subject to revision by the Building Inspector.

§ 3. Appeal to Board of Safety.

Should any question arise between the Inspector of Buildings and the owner or architect of any building or proposed building, or should the owner or architect object to any order or decision of said Inspector, the matter shall be referred to the Board of Public Safety and its decision shall be final and conclusive.

§ 4. Inspector to Examine Buildings.

The Inspector of Buildings shall examine all buildings, or cause the same to be examined, upon or in which work is

being done under the provisions of this ordinance as often as practicable.

If the Inspector of Buildings shall find in the city any building or structure, or part thereof, in such an unsafe condition as to endanger life, but so that by the immediate application of precautionary measures such danger may be averted, he shall have authority and it shall be his duty to forthwith notify in writing the owner, agent or person in possession, charge, or control of such building or structure, or part thereof, to adopt and put into effect such precautionary measures as may be necessary or advisable in order to place such building or structure, or part thereof, in a safe condition. Such notice shall state briefly the nature of work required to be done, and the said Inspector shall specify in such notice a time in which the work required to be done shall be completed by the person notified.

If the owner, agent or person in possession, charge or control of such building or structure, or part thereof, when so notified, shall fail, neglect or refuse to place such building or structure, or part thereof, in safe condition and to adopt such precautionary measures as shall have been specified by said Inspector within the time specified in such notice, in such case, at the expiration of such time, it shall be the duty of said Inspector to proceed forthwith to do so, or cause to be done any and all work necessary to place such building or structure or part thereof in a safe condition.

If the said Inspector shall be unable to find the owner of such building, structure or part thereof, or agent or person in possession, charge or control thereof, upon whom such notice may be served, he shall place or cause to be placed the notice herein provided for upon such building at or near its principal entrance, or at some other conspicuous place on or near said building, and if at the expiration of the time specified in such notice for the completion of the work required to be done, the terms of such notice shall not have been complied with, it shall be the duty of the Inspector to thereupon proceed and do such work in the same manner as hereinbefore provided in cases of refusal, neglect or failure on the part of the owner, agent or person in possession, charge or control of any such building, structure, or part thereof, when so notified.

If, in accordance with the provisions of this section, the work of placing any building, structure, or part thereof, in a safe condition shall devolve upon the said Inspector, and it shall appear that such building, structure or part thereof is in such a condition as not to warrant the expenditure thereon

of a sufficient sum of money to make such repairs, or to do such work as is necessary to put it in a safe condition, the said Inspector shall have authority to tear down or destroy such building, structure, or part thereof, and the expense of tearing down and destroying any such building or structure or part thereof, and the expense of making any repairs or doing any work thereon, shall be charged to the person owning or in possession, charge or control of such building or structure or part thereof, and the Inspector shall recover, or cause to be recovered from such owner or person in possession, charge or control the cost to the city of doing such work by some appropriate proceeding; and said expense and costs of making said repairs, tearing down and destroying said building or structure shall become and remain a lien upon the lot and improvements upon which said building or structure is located.

Should said owner, agent or person in possession, charge or control of any such building or structure, upon whom notice as provided for in this section has been served, fail, neglect or refuse to place such building or structure, or part thereof, in a safe condition as designated in said notice, then such owner, agent or person in possession, charge or control of said building, on whom said notice is served shall be deemed guilty of a misdemeanor and on conviction shall be fined not less than ten, nor more than one hundred dollars, and each day said owner, agent or person in possession, charge or control of said building fails to place same in a safe condition after the date named in said notice has expired, shall be considered a separate offense.

§ 5. Inspector to Enter Buildings.

The Inspector of Buildings and his assistants are hereby given authority to enter any building in the City of Louisville in the performance of their duties and to order and compel the suspension of any work being done in violation of the provisions of this ordinance.

No person shall continue the construction of any building, or use any material in or about any building, after said Inspector of Buildings or his assistants have directed in writing the suspension of such construction or the use of such material.

§ 6. Revocation of Permits.

Should the Inspector of Buildings become convinced that the work under any permit is not proceeding according to the detailed statements, plans and specifications upon which such permit was issued, or is proceeding in violation of the

law or ordinance, it shall be his duty to notify the owner or owners, or his or their agents in writing, that the work is being constructed in violation of the permit or ordinance, and that the same must be immediately rectified to conform with the building laws or with such permit. If the owner or owners, or his or their agents, neglects to comply with the said laws, or fails to make corrections within such time as may be specified by the Building Inspector, it shall be the further duty of the Inspector of Buildings to revoke said permit, and notice thereof shall be immediately served upon the owner, agent, superintendent or contractor in charge of the work or posted on the property.

Said notice shall be in writing signed by the Inspector of Buildings, and after such revocation of permit, any architect, contractor or workman performing any work in or about said structure, building or premises shall be guilty of a misdemeanor and on conviction thereof shall be fined not less than ten dollars (\$10.00) nor more than one hundred dollars (\$100.00); and each day any such architect, contractor or workman performs any work on or about said structure or building after the revocation of said permit shall be considered a separate offense.

§ 7. Limit of Permit.

Every permit shall be considered cancelled if active work is not commenced within six (6) months of the date of its issue.

§ 8. Inspector to Make Tests.

The Inspector of Buildings and his assistants are hereby given authority to make such tests as may be necessary to determine the safety of the condition of any building or machinery which it becomes their duty, under the provisions of this ordinance to inspect, such tests, if there be expense attached, to be at the cost of the owner, same to be recovered by proper proceedings.

§9. Inspect all Buildings.

The Inspector of Buildings shall inspect or cause to be inspected all public school buildings, public halls, churches, theaters, auditoriums, skating rinks, baseball stands, or other stands occupied by large numbers of people, and all buildings used for either manufacturing or commercial purposes; also all hotels, apartment houses and all other buildings of whatsoever

nature for the purpose of determining the safety of such buildings or structures or any passways, appliances or equipments thereof; the sufficiency of their doors; passageways, aisles, stairways, corridors, exits or fire escapes, and generally their facilities for egress in case of fire or other accident, and the strength of their floors, and in case of any violations of the several provisions of this ordinance, to cause warrants to be issued against the offender or offenders.

PART II.

PERMITS.

§ 10. Requirements for Permit.

No excavation shall be commenced, no wall, structure, building, or part thereof, shall be built or constructed, nor shall the heating apparatus, gas fitting or elevator work of any building or structure be constructed, installed or altered, nor shall any building be moved, nor any sign erected, except in accordance with the provisions of this Code, nor until a permit has been issued by the Department of Buildings.

§ 11. Bond To Be Given.

Before the Inspector of Buildings shall issue a permit to erect, alter or repair a building the owner shall file a bond with the Board of Public Safety, with surety to be approved by the Inspector of Buildings, expressly stipulating and agreeing to pay all damages for personal injuries to any one or damages to property or improvements on account of any excavation made in, or any obstruction placed upon any street, sidewalk, alley or other public space of the City of Louisville by any one while engaged in or about the performance of said work and during the existence of such excavation or obstruction, and will defend all suits and hold the City of Louisville harmless against any and all loss or damage on account of either personal injuries or injuries to property.

§ 12. Application for Permit.

Application for permit shall be made in writing to the Inspector of Buildings and signed by the owner or his agent or architect upon blank forms furnished by the Department of Buildings. The application shall state the location of the

building, size of lot, number of cubic yards of stone or of concrete for foundations or other purposes, the number of thousand of brick and the number of square yards of plaster to be used in the erection, alteration or repair of said building, and the estimated cost of such work.

Application for permit to erect a building or structure shall be accompanied by such plans and specifications as will give full information as to the character of the building, its size in every direction, arrangement of rooms, halls, closets and stairways and the material to be used in construction; and the Inspector of Buildings may require detail drawings and strain sheets of all trusses, beams, columns and floors or such other drawings and specifications as he may deem necessary.

Applications for permits to erect elevators, fire escapes, or to do plumbing or electrical work, or to erect signs of any kind, will be made on blanks furnished by the Department of Buildings, and accompanied by such plans and specifications as may be required.

§ 13. Plans.

All plans must be made in ink on cloth or heavy paper or on blue print paper. They must be drawn to scale and dimensions of structural parts filled in with figures.

The Inspector of Buildings may issue permits for the erection of sheds or small one-story buildings upon the description given in the application and not accompanied by drawings, and this shall apply also to alterations and repairs of buildings when in the judgment of the Inspector of Buildings drawings are not necessary to show the full character of the work to be done.

If any changes are made in the plans of a building after a permit has been issued, then the architect or owner shall file revised plans, or record such alterations or changes affecting structural parts of the design on the plans and specifications on file in the office of the Department of Buildings, and such alterations or changes must have the approval of the Inspector of Buildings endorsed thereon.

§ 14. Use of Public Way.

Upon receiving a permit, the party intending to build shall, if the street be not graded in front of the proposed building, obtain the grade from the City Engineer's office and build in conformity therewith.

The portion of any street which may be occupied by the material necessary for a building in course of construction, alteration or repair shall not exceed in any event the dimensions of the front of the premises being built upon, and twelve and one-half feet in addition on each side and not exceeding one-third of the street in breadth, and such occupation of public ways shall not be prolonged an unreasonable period.

All brick shall be properly stacked when removed from wagon, and a sufficient way be left unencumbered at all times between said building material and the curbstone on the side of the street opposite the building for the passage of vehicles.

No material shall be placed within four feet of the track of any railroad or street railway, or of any fire cistern, fire plug, pump, manhole for any sewer or conduit system or crossing, or within twelve inches of any curbstone, without provision being made for the free passage of water in the gutters and a sufficient unobstructed passageway for persons and vehicles be maintained at all times along the street; and provided further, that where it is possible so to do, that as soon as any building is up to the grade sidewalk the sidewalk shall immediately be constructed and a sufficient passageway be kept at all times over same, and whenever required by the Inspector or his deputies, as soon as the building reaches the height of the first story, the owner or contractor shall construct a shed over the sidewalk and the entire width of front and side of premises being built upon, and keep same in repair until the building is completed or until the Inspector or his deputies order same removed.

Upon all obstructions or excavations caused by contractors or other persons in the streets and other thoroughfares they shall place red lights, to be kept burning from twilight in the evening until daylight in the morning, so long as such obstructions remain. A passageway at least four feet wide shall be kept in front of any new building in course of construction, or any building in process of repairs or altering, as far as practicable.

§ 15. Use of Space Under Sidewalk.

In the use of space under the sidewalk, in the front or side, or in the alley, in the rear or side of any structure, a sufficient retaining wall to sustain the roadway or street shall be constructed, and all end and division walls shall extend from the wall of the building to the curb line, and be of sufficient strength to sustain the sidewalk or roadway. The

sidewalk in such cases to be entirely incombustible material. All openings in such sidewalks shall be covered with illuminating tile in iron frames, or with iron covers with rough surfaces. No plain surface of glass greater than six inches square allowed in any sidewalk.

The foregoing provisions and all the provisions of this Code shall apply with equal force to buildings both municipal and private.

PART III.

DEMOLISHING AND MOVING BUILDINGS.

§ 16. Application for Permit.

An application for permit to move a building shall state the location of the building to be moved, its length, width, height and the principal materials of its walls or sides and its roof and the proposed location to which it is to be moved.

In the erection of the building at its new location all the provisions of this Code applicable to a new building of the same class shall apply. No frame building shall be moved from one place to another within the fire limits, nor from without to within the fire limits.

No permit will be issued to move a building to another location until the mover has obtained a permit from the Board of Public Works to occupy the necessary public ways.

§ 17. Rubbish to be Removed.

Earth taken from excavations and rubbish taken from buildings being erected, altered, repaired or demolished shall not be stored upon sidewalks, streets or alleys, but must be removed as rapidly as produced. In demolishing any building story after story, commencing with the top story, shall be completely removed, the brick, timbers and other structural parts of each story shall be lowered to the ground immediately upon displacement. The material to be removed shall be properly wet down to lay the dust incident to removal.

§ 18. Raising Frame Buildings.

A frame building not more than two stories in height may be raised for the purpose of constructing a basement story under it. The principal floor of a two-story building shall not

be elevated more than eight feet above the grade of the lot, and the new walls shall be of masonry and thirteen inches thick. Footings of foundations to be twelve inches wider than walls.

§ 19. Remodeling Buildings in Fire Limits.

No frame, veneered, iron-clad or any building the enclosing walls or roof of which are constructed of combustible material shall be erected, moved or remodeled within the fire limits of the city of Louisville, or repaired when damaged to the extent of fifty per cent. of the cost of replacing the original building, exclusive of the value of the foundation.

Any frame, veneered or iron-clad building within the fire limits of the city of Louisville that has been damaged by fire or decay to a greater extent than fifty per cent. of the cost of replacing the original building, exclusive of the value of the foundation, may be condemned and ordered removed within ten days by the Inspector of Buildings. Any building within the fire limits of the city of Louisville having a combustible roof, such roof when damaged by fire or other cause to the extent of fifty per cent. of the cost of replacing it, shall be removed and be replaced by a metal or other thoroughly non-combustible roof covering.

The question of the cost of replacing a roof or a structure named in this section, and the extent of the damage by fire or other causes, shall be determined by the Inspector of Buildings, provided that the owner or agent may appeal from the decision of the Inspector of Buildings to the Board of Public Safety.

§ 20. Temporary and Detached Structures.

Sheds may be erected for the storage of materials, for the shelter of workmen or animals from sun and rain, for outdoor manufacturing and for temporary purposes, subject to the restrictions imposed by the provisions of this sub-division, and they shall not be constructed for any other purpose.

Sheds must be not over 15 feet high. They shall not be lathed or plastered or otherwise finished as for a habitation.

No shed shall have an area of more than 2,500 square feet. When made of combustible material a shed shall not be placed within ten (10) feet of any other structure.

Shed walls and shed roofs erected within the fire limits, except for purposes connected with the construction of a permanent building, shall be made entirely of incombustible material.

Small sheds made of wood required for offices or for the storage of tools and materials to be used in the erection of any building or other construction, may be constructed on the premises or on adjoining premises, but no such sheds shall be erected upon a public way without the approval of the Inspector of Buildings, and such sheds shall be removed when the permanent structure is ready for occupancy.

Before beginning work on any building, the contractor or builder shall provide ample water closet facilities for workmen while engaged upon the construction of the building.

PART IV.

DEFINITIONS.

§ 21. Buildings Classified.

The term "Fireproof Buildings" shall apply to all buildings in which the principal parts are made of incombustible materials, but not including fire-proofed wood. In all such buildings, the walls, floors, roofs, furrings, ceilings, stairs and elevator enclosures, excepting only the finish of the floors, shall be made entirely of incombustible material, and all structural members of metal shall be protected from fire by a covering, the material of which shall be entirely incombustible, not injuriously affected by water, and a slow conductor of heat.

The term "Slow-burning Buildings" or "Composite Buildings" shall apply to all buildings in which the exterior walls are made entirely of brick, stone or concrete and roof covering made of incombustible material, with doors, windows and frames of wood, but with interior walls of brick, or with columns and girders made of fireproofed iron or steel, and with the floor construction of wooden beams, joists and ceiling furred with fire-proof material and all concealed spaces fire-stopped and all sub-divisions made with incombustible partitions, or if the floor and roof systems are composed of heavy timbers and plank with no concealed air spaces.

The term "Mill Construction" shall apply to buildings without hollow or concealed spaces, having brick walls not less than twelve inches in thickness for the top story and increasing in thickness according to sections 42 and 43 of this Code; roofs to be of three-inch splined planking spiked directly to heavy roof timbers not less than six inches in the least dimen-

sion, covered with metal or other approved incombustible roof covering. Floors to be solid without openings, constructed of not less than three-inch splined planking covered with one-inch top flooring laid crosswise or diagonally properly nailed. Between the top flooring and the planking shall be placed not less than two thicknesses of waterproof material carefully laid to break joints and flashed at least three inches around all walls, posts or columns and openings with mouldings or mop-boards. Size and spacing of floor timbers shall be suitable for the load to be carried, but the timbers shall in no case be less than eight inches in the least dimension, and shall rest on top of girders or on iron or steel plates in the walls. Girders shall rest on iron or steel plates in the walls and on iron or steel caps on columns, so arranged as to be self-releasing. All columns and posts shall rest on pintles, and the size and spacing thereof shall be suitable for the load to be carried, but no column or post shall be less than eight inches in the least dimension. Columns, girders and beams, if of wood, shall be of solid material, and if of iron or steel shall be protected as called for in sections 144, 145 and 146 of this Code. All elevators, stairs, bolts, pipes, shaftings and vents piercing floors shall be inclosed in towers having brick walls not less than eight inches in thickness, or reinforced concrete walls not less than six inches in thickness, and all openings therein shall be protected by standard, automatic, self-closing fire doors.

The term "Ordinary Masonry Building" shall apply to all buildings in which the bearing walls are made of brick, stone or concrete, and the floors and roof are made of ordinary wood construction.

The term "Frame Building" shall apply to all buildings, the exterior walls or any part of which are constructed of wood.

Wood buildings sheathed with boards and covered with four inches of brick or terra cotta, and wood frames covered with metal or lathed and plastered on the outside shall be classed as frame buildings.

"Private Dwellings" shall be taken to mean and include all buildings which shall be intended, designed or used as a home or residence, no part of which structure is used as a store or for any business purpose.

An "Apartment House" shall be taken to mean and include every building which shall be intended, designed or used as the home of two or more families or households living independently of each other. Buildings, the first floor or basement of which are used as stores and the upper floors for

sleeping rooms, shall be classed as "Apartment Houses or Flats."

The term "Tenement" shall apply to every house, building or portion thereof which is rented, leased or hired out to be occupied or is occupied as the residence of more than two families, living independently of one another and doing their cooking on the premises, or by more than two families on a floor so living or cooking, but having a common right in the halls, stairways, yards, water closets or privies, or some of them.

The term "Hotel" shall apply to every building or part thereof, used for supplying food or shelter to residents or guests, and having a public dining-room or cafe or both, and containing more than fifteen sleeping rooms.

The term "Office Building" shall apply to every building which shall be divided into rooms and used for business purposes, no part of which shall be used for living purposes, excepting only the room for the janitor and his family.

The term "Warehouse" shall apply to every building, or part thereof, used solely for the sale or storage of merchandise.

"Incombustible Material," when referred to as a structural material, means brick, stone, slate, terra cotta, concrete, wire glass one-quarter ($\frac{1}{4}$) inch thick, iron, steel or sheet metal, and heavy asbestos and mineral wool, when used alone or in combination with each other.

By the term "Garage" is meant a building or that portion of a building wherein are kept vehicles charged with, or containing a volatile inflammable liquid for fuel or power. Where any portion of a building is used for a garage, the garage shall be deemed to embrace all of the building not separated from the garage proper by fire walls. All openings in such walls shall be protected on both sides by fireproof doors constantly closed, except when necessarily opened for passage.

"Public Garages" are garages that are let or hired for storage or repair of such vehicles.

"Private Garages" are garages used by individual owners of such vehicles only, and need not be of fireproof construction, if outside the fire limits and housing not more than four (4) vehicles.

A "Club House" is a building used or intended for use by an organization or society for mutual entertainment or recreation.

When such buildings contain fifteen (15) or more rooms for sleeping purposes, they shall be classed as hotels, and when such buildings contain assembly halls, seating two hundred

(200) or more, they shall be classed as assembly halls. When the seating capacity in such auditorium exceeds five hundred (500), and has a permanent stage in excess of twenty (20) feet in depth, and having fly galleries, and rigging lofts, such portion of the building containing the assembly hall shall meet the requirements for theaters.

PART V.

QUALITY OF MATERIALS.

§ 22. Brick, Sand and Mortars.

Brick.—The brick used in all buildings shall be good, hard, well-burnt brick, provided, however, that isolated interior chimneys of dwellings and partition walls and interior four inches of bearing walls in the upper two stories of any dwelling may be of one “Salmon” brick to two hard-burned bricks. No “Salmon” brick shall be used in cellars, basements, fire walls or in chimneys above the roof line.

Sand.—The sand used for mortar or concrete in all buildings shall be clean, sharp grit sand free from loam or dirt.

Lime Mortar.—Slaked lime mortar shall be made of one part lime and not more than three parts of sand; all lime shall be thoroughly burnt, of good quality and properly slaked before it is mixed with the sand.

Cement Mortar.—Cement mortar shall be made of Portland cement or of Louisville cement, or a natural cement equal in quality to Louisville cement, mixed with sand, and shall be used immediately after being mixed. If Louisville or other natural cement is used, the proportions shall be one part cement by measure and not more than two parts sand. If Portland cement is used, the proportions shall be one part cement and not more than three parts sand.

Cement and Lime Mortar.—Cement and lime mortar mixed shall consist of equal parts of lime and cement mortars as described above in this section, or what is known as “Bricklayers” cement (being a mixture of Louisville Hydraulic cement with 15 per cent. of lime added before grinding), may be used with the proper proportion of sand instead of the cement and lime mixture described above in this section.

§ 23. Cements.

All cements, whether used for mortar, concrete or concrete blocks, shall conform to the requirements and standard tests of the American Society of Civil Engineers. "Bricklayers" cement is to be classed with the Louisville or natural cements, and may be used wherever such cements are specified in this Code.

When required by the Inspector of Buildings, there shall be submitted to him certified tests of the cement being used in any building from some established laboratory of inspection, and the cement shall conform to all the requirements of this section.

§ 24. Concrete for Foundations.

Concrete for foundations shall be made of not more than two and one-half parts of sand and five parts broken stone by volume to one part cement; the stone shall be clean and broken to such size as to pass in any way through a two-inch ring; good, clean gravel may be used in the same proportion as broken stone. The cement and sand are to be measured and thoroughly mixed before adding water. All concrete shall be properly rammed and allowed to set before being disturbed.

§ 25. Quality of Timber.

All timbers and wooden beams used in any building shall be of good, sound material free from rot, large and loose knots, shakes or any imperfection whereby the strength may be impaired, and be of such size and dimensions as the purpose for which the building is intended requires.

§ 26. Tests of New Materials.

New and untried material of whatever nature shall be subjected to such tests to determine its character and quality as the Inspector of Buildings shall direct. The tests shall be made under the supervision of the Inspector of Buildings, or he may direct the architect, or owner to file with him a certified copy of the results of tests such as he may direct to be made.

§ 27. Structural Material.

Wrought Iron.—All wrought iron shall be uniform in character, fibrous, tough and ductile. It shall have an ultimate

tensile resistance of not less than 48,000 pounds per square inch, an elastic limit or not less than 24,000 pounds per square inch and an elongation of twenty per cent. in eight inches when tested in small specimens.

Steel.—All structural steel shall have an ultimate tensile strength of from 54,000 to 64,000 pounds per square inch. Its elastic limit shall be not less than 32,000 pounds per square inch and test specimens ruptured in tension must show a minimum elongation of not less than 20 per cent. in eight inches. Rivet steel shall have an ultimate strength of from 50,000 to 58,000 pounds per square inch.

Cast Steel.—Shall be made of open hearth steel containing one-quarter to one-half per cent. of carbon, not over eight one-hundredths of one per cent. of phosphorus, and shall be practically free from blow holes.

Cast Iron.—Shall be of good foundry mixture, producing a clean, tough, gray iron. Sample bars five feet long, one inch square, cast in sand molds, placed on supports four feet six inches apart, shall bear a central load of 450 pounds before breaking. Castings shall be free of serious blow holes, cinder spots and cold shuts. Ultimate tensile strength shall be not less than 16,000 pounds per square inch when tested in small specimens.

PART VI.

EXCAVATIONS AND FOUNDATIONS.

§ 28. Excavations.

All excavations for buildings shall be properly guarded and protected so as to prevent the same from becoming dangerous to life or limb, and shall be sheath piled by the person or persons causing the excavations to be made when necessary to prevent the adjoining earth from caving in. Plans filed in the Department of Buildings shall be accompanied by a statement of the character of the soil at the level of the footings when required by the Inspector of Buildings.

§ 29. Excavations Over Ten Feet Deep.

Whenever the owner of a lot in the City of Louisville proposes to excavate upon such lot to a depth greater than ten (10) feet below the top of the curbstone of the sidewalk ad-

joining such lot, or below the lot grade, if excavation is back of sidewalk line, or to cause an excavation to be made on such lot to a depth greater than ten feet below the top of such curbstone or lot grade, the owner so proposing to excavate, or to cause an excavation to be made, shall at his own expense protect any wall on adjoining land on or near such excavation from injury from such excavation, if the necessary license is afforded him to enter upon such adjoining land for that purpose, but not otherwise.

Any person, firm or corporation whose duty it is under this ordinance or other law to protect any wall, cellar or structure, shall be subject to the penalties imposed by this ordinance.

§ 30. Retaining Walls.

When an excavation is made on any lot, the person or persons causing such excavation to be made shall build on the adjoining lot at his or their own cost and expense a retaining wall to support the adjoining earth, if accorded the necessary license to enter upon the said adjoining lot, and not otherwise, and such retaining wall shall be carried to the height of the adjoining earth and be properly protected by coping. If the necessary license is not accorded to the person or persons making such excavation, then it shall be the duty of the owner or owners refusing to grant such license to build the retaining wall on his or their own property at his or their own expenses without recourse to the person or persons making the excavation on the premises adjoining thereto.

The thickness of a retaining wall at its base shall be in no case less than one-fourth of its height, or of a design of equivalent strength.

§ 31. Bearing Capacity of Soil.

Where no test of the sustaining power of the soil is made, different soils, excluding mud at the bottom of the footings, shall be deemed to safely sustain the following loads to the superficial foot, namely:

Loam, clay or fine sand, firm and dry, two and one-half tons per square foot.

Very firm, coarse sand, stiff gravel or hard clay, four tons per square foot, or as otherwise determined by the Inspector of Buildings.

Where a test is made of the sustaining power of the soil, the Inspector of Buildings shall be notified so that he may be

present, either in person or by representative. The record of the test shall be filed in the Department of Buildings.

When a doubt arises as to the safe sustaining power of the earth upon which a building is to be erected, the Department of Buildings may order borings to be made, or direct to be tested the sustaining power of the soil by and at the expense of the owner of the proposed building.

§ 32. Pressure Under Footings of Foundations.

The loads exerting pressure under the footings of foundations in buildings more than three stories in height are to be computed as follows:

For warehouses and factories, they are to be the full dead load and 75 per cent. of the full live load, established by section 100 of this Code.

In stores and buildings for light manufacturing purposes they are to be the full dead load and 60 per cent. of the live load established by section 100 of this Code.

In churches, school houses and places of public amusement or assembly they are to be full dead load and 60 per cent. of the live load established by Section 100 of this Code.

In office buildings, hotels, apartment hotels, dwellings, apartment houses, tenement houses, lodging houses and stables they are to be the full dead load and 40 per cent. of the live load established by section 100 of this Code.

Footings shall be so designed that the loads will be as nearly uniform as possible and not in excess of the safe bearing capacity of the soil, as established by section 31 of this Code.

§ 33. Foundations.

Every building, except buildings erected upon solid rock, shall have foundations not less than thirty inches below the curb level (or the finished grade of lot if the building does not immediately adjoin the sidewalk) on solid ground or upon piles or ranging timbers when solid ground or rock is not found.

§ 34. Wood Piles.

Piles of wood intended to sustain a wall, pier or post shall be spaced not more than thirty-six inches nor less than twenty inches on centers, and they shall be driven to a solid bearing, if practicable to do so, and the number of such piles shall be sufficient to support the superstructure proposed.

No wood pile shall be used of less dimensions than five inches at the small end and ten inches at the butt for short piles, or piles twenty feet or less in length, and twelve inches at the butt for long piles or piles more than twenty feet in length.

No wood pile shall be weighted with a load exceeding forty thousand pounds.

When a wood pile is not driven to refusal, its safe sustaining power in pounds shall be determined by the following formula:

Twice the weight of the hammer in pounds multiplied by the height of the fall in feet divided by the penetration of pile under the last blow in inches plus one.

The Inspector of Buildings shall be notified of the time when such test piles of wood will be driven, that he may be present either in person or by representative.

When required concrete shall be rammed down in the interspaces between the heads of the piles to a depth and thickness of not less than twelve inches, and for one foot in width outside of the piles.

§ 35. Concrete Piles.

Piles may be made of concrete, either reinforced or plain.

Plain concrete piles must be molded in place by methods which are reasonably certain to secure perfect, full-sized piles; reinforced concrete piles, if properly designed to resist the shock of driving, and if driven with a cushion to lessen the shock, or if put down by a water jet, may be molded, allowed to harden, and then driven or jetted into place.

In case concrete piles are used, whether reinforced or otherwise, their bearing power shall be determined by putting in one or more test piles and loading them after the concrete is sufficiently hard.

The full working load in the structure shall not be more than one-third of the load under which the pile begins to settle.

In no case, however, shall the load on a concrete pile exceed fifty thousand pounds per square foot of cross section of concrete plus 6,000 pounds per square inch on any longitudinal steel reinforcement.

§ 36. Foundation Walls.

Foundation walls shall be construed to include all walls and piers built below the curb level or nearest tier of beams to the curb, or to the average level of the ground adjoining

the walls, to serve as supports for walls, piers, columns, girders, posts or beams.

Foundation wall shall be built of stone, brick, cement, concrete, iron or steel.

If built of rubble, stone, brick or concrete, they shall be at least four inches thicker than the wall next above them to a depth of twelve feet below curb or grade level, and for every additional ten feet or part thereof deeper, they shall be increased four inches in thickness, but no foundation wall of rubble stone shall be less than eighteen inches thick.

Base Course—The footings or base course shall be of stone or concrete or both, or of concrete and stepped-up brick-work, or brick-work of sufficient thickness and area to safely bear the weight to be imposed thereon. If the footing or base course be of concrete, the concrete shall not be less than eight inches thick.

If of stone, alternate stones shall extend through the wall and be at least six inches in thickness. If stepped-up footings of brick are used, the off-sets, if laid in single courses, shall each not exceed one and one-half inches, or if laid in double courses, then each shall not exceed three inches, offsetting the first course of brick-work back one-half the thickness of the concrete base so as to properly distribute the load to be imposed thereon.

Headers in Stone Walls.—All stone walls twenty-four inches or less in thickness shall have at least one header extending through the wall in every five feet in each course, and if over twenty-four inches in thickness, shall have one header for every six superficial feet on both sides of the wall laid on top of each other to bond together and running into the wall at least two feet.

All headers shall be at least twelve inches in width and be well shaped flat stones.

No stone in a rubble wall shall have a bed less than the rise, and in no case shall the bed be less than six inches.

All foundation walls shall be laid in cement mortar.

§ 37. Grillage in Foundations.

Grillage beams of wrought iron or steel resting on a proper concrete bed may be used. Such beams shall be provided with separators and bolts inclosed and filled solid between with concrete and of such sizes and so arranged as to transmit with safety the superimposed loads.

PART VII.

WALLS, PIERS AND PARTITIONS.

§ 38. Material of Walls.

The walls of all buildings other than frame or wood buildings shall be constructed of stone, brick, cement, concrete, iron or steel or other hard incombustible material, and the several component parts of such buildings shall be as herein provided. All buildings shall be inclosed on all sides.

Piers or Buttresses.—In all walls of the thickness specified in this Code the same amount of material may be used in piers or buttresses.

Bearing Walls Defined.—Bearing walls shall be taken to mean those walls on which beams, girders or trusses rest.

Bearing Walls With Openings.—If any horizontal section through any part of any bearing wall in any building shows more than thirty per cent of flues and openings, the said wall shall be increased four inches in thickness for every fifteen per centum or fraction thereof of flue or opening area in excess of thirty per centum.

Brick and Masonry Work.—The walls and piers of all buildings shall be properly and solidly bonded together with close joints filled with mortar. They shall be built to a line and be carried up plumb and straight. The walls of each story shall be built up the full thickness to the top of the beams above.

All brick laid in non-freezing weather shall be well wet before being laid.

Isolated piers shall not exceed in height ten times their least dimensions.

Stone Posts Under Interior Columns.—Stone posts for the support of posts or columns above shall not be used in the interior of the building.

Piers and Walls of Coursed Stone.—Where walls or outside piers are built of coursed stones with dressed level beds and vertical joints, such walls or piers may be built of a less thickness than specified for brick work, but in no case shall said walls or piers be less than three-quarters of the thickness provided for brick-work.

Heading Courses in Brick Walls.—In all brick walls every sixth course shall be a heading course, except where walls are faced with brick in running bond, in which latter case every sixth course shall be bonded into the backing by cutting the course of the face brick and putting in diagonal headers be-

hind the same, or by splitting the face brick in half and backing the same with a continuous row of headers.

Where face brick is used of a different thickness from the brick used for the backing, the courses of the exterior and interior brick-work shall be brought to a level bed at intervals of not more than ten courses in height of the face brick, and the face brick shall be properly tied to the backing by a heading course of the face brick.

All bearing walls faced with brick laid in running bond shall be four inches thicker than the walls are required to be under any section of this Code.

If brick walls are laid in Flemish bond, all headers must be full headers, if possible. Where this is not possible, the headers of every sixth course must be full headers, and in this case the thickness of the wall must be four inches greater than it would otherwise be under the requirements of this law.

§ 39. Ashlar.

Stone ashlar facing shall in no case be less in thickness than four inches. Stone ashlar facing shall not be counted in the thickness of a wall unless it meets with the following requirements:

1st. It shall be in courses not more than fifteen inches in height.

2nd. The courses must be adjusted so that the top of the ashlar course shall come out flush with the top of the corresponding course of brick backing.

3rd. The ashlar facing must be bonded to backing by alternate courses differing in depth four or eight inches.

4th. Each piece of stone ashlar shall be bonded to the brick backing with at least one piece of galvanized iron one-eighth inch thick by one and one-quarter inches broad and turned up or down at least one inch at each end, bearing two and one-half inches on stone ashlar and reaching at least nine inches into the brick backing. Pieces of stone ashlar more than two feet in length shall have at least two anchors. Stone ashlar facing without bonding courses, as provided in paragraph 3, shall have anchors binding it to backing, as provided in this paragraph, but shall not be counted in the thickness of the wall.

Mortar for Walls and Ashlar.—All foundation walls, isolated piers, parapet walls and chimneys above roofs shall be laid in cement mortar.

The backing up of all stone ashlar shall be laid with cement mortar, but the back of the ashlar may be pargetted with lime

mortar or stainless cement or coated with asphalum varnish to prevent discoloration of the stone.

All other walls built of brick or stone, except foundation walls, may be laid with lime mortar, cement mortar or lime and cement mortar mixed, all made as prescribed in section 22.

§ 40. Height of Buildings.

The height of a building shall be measured from the curb or the grade level of the lot at the center of the front of the building to the top of the highest point of the roof beams, not including in such measurement of height cornices which do not extend more than five feet above the roof beams, nor inclosures for the machinery of elevators which do not exceed twenty feet in height above the roof beams and do not exceed in united area ten per centum of the area of the roof.

If the grade of the lot or adjoining street in the rear or along the side of the building falls below the grade of the front, the height shall be taken in the center of the side showing the greatest fall.

No non-fireproof building or structure outside the fire limits shall exceed seventy feet in height, but this shall not apply to spires of churches or similar buildings outside of the fire limits which may be constructed of wood to a height of 125 feet above the curb level.

Height of Cellars, Basements and Stories.—The height of all cellars, basements and stories shall mean the perpendicular distance from the top of the finished floor to the underside of the finished ceiling above.

Cellars.

A cellar shall be taken to mean the lowest portion of a building, the floor of which is below the grade level at the center of the front of the building more than three-fourths of the height of said portion.

The height of a cellar shall not be less than seven feet, if it is used for purposes other than conduits for pipes.

Basements.—A basement shall be taken to mean that portion of a building the floor of which is below the curb or grade level at the center of the front of the building more than thirty inches and not more than three-fourths of the height of said portion measured from floor to ceiling.

The height of a basement shall not exceed twelve feet. If more than that height, or if at any place on any wall facing a street or public way, its floor is level with or higher than the

curb or grade level, it shall be counted as the first story of the building.

§ 41. Meaning of Stories.

The first story shall be taken to mean the story the floor of which is first above the basement or cellar.

Height of Stories.—The height of stories for all given thickness of walls shall not exceed—

First story	16 feet in the clear
Second story	14 feet in the clear
Third story	12 feet in the clear
Fourth and upper stories	11 feet in the clear

If any story exceeds the foregoing heights, the walls of any such story and all walls below that story shall be increased four inches in thickness.

§ 42. Walls for Dwelling House Class.

The expression “Walls for Dwelling House Class” shall be taken to mean and include walls for the following bulidings:

Apartment Houses	Hotels
Apartment Hotels	Laboratories
Asylums	Lodging Houses
Club Houses	Parish Buildings
Convents	Schools
Dormitories	Studios
Dwellings	Tenements
Hospitals	

For buildings in the dwelling house class, the minimum thickness of all independent surrounding and dividing walls in the same carrying the loads of floors and roofs shall be made in accordance with the following table, in which the length of wall is limited to fifty feet:

Dwelling House Class Brick Walls. Minimum thickness in inches.									
Length—50 feet Height	Basement								
	or Cellar			Stories					
	Stone.	Brick.	1	2	3	4	5	6	7 8
One Story	18	13	13						
Two Stories	18	13	13	13					
Three Stories	21	17	13	13	13				
Four Stories	24	21	17	13	13	13			
Five Stories	24	21	17	17	13	13	13		
Six Stories	28	21	21	17	17	17	13	13	
Seven Stories	30	26	21	21	17	17	17	13	13
Eight Stories	30	26	26	21	21	17	17	17	13 13

If walls are unlimited in length, the top two stories shall be thirteen inches thick and increase four inches in thickness every two stories downward to foundation.

§ 43. Walls for Warehouse Class.

The expression, "Walls for Warehouse Class," shall be taken to mean and include walls for the following buildings:

Armories	Mills
Barns	Museums
Breweries	Observatories
Carriage Houses	Office Buildings
Churches	Police Stations
Churches	Printing Houses
Cooper Shops	Public Assembly Buildings
Court Houses	Pumping Stations
Factories	Railroad Buildings
Foundries	Refrigerating Houses
Garages	Stables
Jails	Stores
Libraries	Sugar Refineries
Light and Power Houses	Theatres
Machine Shops	Warehouses
Markets	Wheelwright Shops

For buildings in the warehouse class twenty-five feet or less in width between walls or bearings, the minimum thickness of all independent surrounding or dividing walls in the same carrying the loads of floors and roofs shall be made in ac-

cordance with the following table, in which the length of wall is limited to 60 feet:

Brick Buildings—Warehouse Class. Minimum thickness in inches.									
Length—60 feet Height	Basement								
	or Cellar			Stories					
	Stone.	Brick.	1	2	3	4	5	6	7 8
One Story	18	17	13						
Two Stories	20	17	13	13					
Three Stories	22	17	17	13	13				
Four Stories	24	21	17	17	13	13			
Five Stories	28	21	21	17	17	13	13		
Six Stories	30	26	21	21	17	17	13	13	
Seven Stories	34	26	26	21	21	17	17	13	13
Eight Stories	36	30	26	26	21	21	17	17	13 13

§ 44. Unlimited Walls.

If walls are unlimited in length the top story shall be thirteen inches in thickness and walls increased four inches in thickness every two stories downward to foundation. Unlimited walls in either the dwelling house class or the warehouse class may be built the same as the fifty-foot or sixty-foot limited walls when there is an offset of not less than three feet or an intersecting wall at the fifty-foot or sixty-foot limit.

When walls are used as party walls in non-fireproof buildings the thirteen-inch sections of the wall shall have corbeled ledges to carry the ends of the beams or be increased in thickness to not less than seventeen inches, and the beams entering the walls shall be staggered.

When used for bearing party walls in fireproof buildings no portion of the walls shall be less than seventeen inches in thickness.

If there is to be a clear span of over twenty-five feet between the bearing walls in any building, such walls shall be four inches thicker than in this section specified for every twelve and a half feet or fraction thereof that said walls are more than twenty-five feet apart, or shall have instead of the increased thickness such piers or buttresses as are necessary to give strength equal to walls of such increased thickness.

§ 45. Walls for Public Buildings.

The walls of buildings of a public character shall be not less than in this Code specified for warehouses with such piers or such buttresses, or supplement column of iron or steel properly insulated as provided in sections 144, 145 and 146 as may be necessary to make a safe and substantial building.

§ 46. Walls Increased or Reduced in Thickness.

All buildings, not excepting dwellings that are over one hundred and five feet in depth without a crosswall or proper piers or buttresses, shall have the side or bearing walls increased in thickness four inches more than is specified in the respective sections of this Code for the thickness of walls for every one hundred and five feet or part thereof that the said buildings are over one hundred and five feet in depth.

Reduced Thickness of Interior Walls.—In case the walls of any building are less than twenty-five feet apart and less than forty feet in depth, or there are crosswalls which intersect the walls not more than forty feet distant, or piers or buttresses built into the walls, the interior walls may be reduced in thickness in just proportion to the number of crosswalls, piers or buttresses and their nearness to each other, provided, however, that this clause shall not apply to walls below fifty-five feet in height, and that no such wall shall be less than twelve inches thick at the top and gradually increased in thickness by set-offs to the bottom.

§ 47. Inclosure Walls for Skeleton Structures.

Walls of brick built in between iron or steel columns and supported wholly or in part on iron and steel girders, shall not be less than thirteen (13) inches thick for sixty-five feet of the uppermost height thereof, or to the nearest tier of beams to that measurement in any building so constructed.

And the lower section of sixty feet, or to the nearest tier of beams to such vertical measurement or part thereof, shall have a thickness of four inches more than is required for the section next above it down to the tier of beams nearest to the curb level;

And thence downward, the thickness of walls shall increase in the ratio prescribed in section 36 of this Code.

Reduced Thickness for Adjoining Walls.—When two independent buildings of skeleton type of construction and of the same height adjoin each other, the thickness of the said inde-

pendent walls above the foundation for such sections where they adjoin may be not less than nine inches.

§ 48. Existing Party Walls.

Walls heretofore built for or used as party walls, whose thickness at the time of their erection was in accordance with the requirements of the then existing laws, but which are not in accordance with the requirements of this Code, may be used, if in good condition for the ordinary use of party walls, provided the height of the same be not increased.

Lining Existing Walls.—In case it is desired to increase the thickness of any existing wall in order to increase the height of a building, or to utilize a party wall in the construction of a new building, and where the thickness of the wall is less than is required by the Code, but is otherwise a good wall, the same shall be done by a lining of brickwork to form a combined thickness with the old wall of not less than four inches more than the thickness required in the Code for a new wall of similar height.

The said linings shall be supported on proper foundations.

No linings shall be less than nine inches in thickness and all lining shall be laid up in cement mortar and thoroughly anchored to the old brick by cutting out the course of brick under headers of old wall in slats of seventeen inches in length, leaving space of eight inches intact between slats and cleaning out all old mortar in portions cut out, then wetting old wall and inserting new headers joining old and new walls with joints filled with cement mortar. The old walls shall first be cleaned of plaster or other coating and joints in old wall hacked or roughened and space between old and new walls grouted each course with thin cement mortar.

§ 49. Walls to be Braced.

The walls and beams of every building during the erection or alteration thereof shall be strongly braced from the beam of each story, and when required shall also be braced from the outside until the building is inclosed.

§ 50. Arches and Lintels.

Openings for doors and windows on enclosing walls of all buildings shall have good and sufficient arches of stone, brick or terra cotta built and keyed with good and sufficient abutments or lintels of stone, iron or steel or reinforced concrete of

sufficient strength which shall have a bearing at each end of not less than five inches on the wall.

Inside Lintels.—On the inside of all openings in which lintels are less than the thickness of the wall to be supported, there shall be timber lintels which shall rest at each end not more than three inches on any wall; or the inside lintel may be of cast iron or wrought iron or steel.

§ 51. Parapet Walls.

All exterior and division or party walls over fifteen feet high, excepting where such walls are to be finished with cornices, gutters or crown mouldings shall have parapet walls not less than thirteen inches in thickness and carried two feet above the roof.

But for warehouses, factories, stores and other buildings used for commercial or manufacturing purposes the parapet walls shall be not less than twelve inches in thickness and carried three feet above the roof.

And all such walls shall be coped with stone or terra cotta.

§ 52. Hollow Walls.

In all walls that are built hollow the same quantity of stone, brick or concrete shall be used in their construction as if they were built solid, as in this Code provided.

And no hollow wall shall be built unless the parts of same are connected by proper ties.

The inside four inches of any wall may be built of hard-burned hollow brick properly tied and bonded by means of full header courses every sixth course into the walls and of the dimension of the ordinary bricks.

Where hollow tile or porous terra cotta blocks are used as lining or furring for walls, they shall not be included in the measurement of the thickness of such walls.

§ 53. Recesses and Chases in Walls.

Recesses for stairways or elevators may be left in the foundation or cellar walls of all buildings, but in no case shall the walls be of less thickness than the walls of the fourth story, unless reinforced by additional masonry piers or with iron or steel girders or iron or steel columns and girders, properly insulated and securely anchored to walls on each side.

§ 54. Recesses for Alcoves.

Recesses for alcoves and similar purposes shall have not less than nine inches of brickwork at the back of such recesses, and such recesses shall be not more than eight feet in width and shall be arched or spanned with iron or steel lintels, and not carried up higher than eighteen inches below the bottom of the beams of the floor next above.

Chases for Pipes.—No chase for water or other pipes shall be made in any pier and in no wall more than one-third of its thickness.

The chases around said pipe or pipes shall be filled up with solid masonry for the space of one foot at the top and bottom of each story.

Aggregate Area for Recesses and Chases.—The aggregate area of recesses and chases in any wall shall not exceed one-fourth of the whole area of the face of the wall on any story, nor shall any such recess be made within a distance of six feet from any other recess in the same wall.

§ 55. Light and Vent Shafts.

All the walls or partitions forming interior light or vent shafts starting from the ground shall be built of brick or other clay products, or stone, masonry or concrete.

Walls enclosing such shafts and beginning at any floor above the first floor may be of studding covered in the inside with plaster on metal laths and covered on the outside with cement, plaster or metal laths or with tin or galvanized iron. All window or door openings shall have metal frames and sash with wire glass or fireproof doors. The walls of all light or vent shafts, whether exterior or interior, shall be carried up not less than eighteen inches above the level of the roof. If the walls are of brick, they shall be coped as other parapet walls.

When metal Louvres are used for ventilating purposes, the Louvres or slats shall be riveted to the metal frame.

§ 56. Brick and Hollow Tile Partitions.

Eight-inch brick, six-inch hollow tile, four-inch brick or four-inch hollow tile partitions of hard-burnt clay or porous terra cotta laid up with cement mortar, may be built not exceeding in their vertical portions a measurement of fifty feet for the eight-inch, thirty-six feet for the six-inch and twenty-four feet for the four-inch, respectively, and in their horizontal

measurements a length not exceeding seventy-five feet, unless said partition walls are strengthened by proper crosswalls, piers or buttresses, or built in iron or steel frame work when the latter is imbedded in or insulated by the same material of which the partition is constructed and shall not be used as floor-bearing walls.

All such partitions shall be carried on proper foundations, or on iron or steel girders, or on iron or steel girders and columns properly insulated, or piers of masonry. Reinforced concrete may be used.

§ 57. Cellar Partitions in Residence Buildings.

Bearing partition walls in the cellar or lowest story in residence buildings shall be constructed of brick not less than thirteen inches thick;

Or piers of brick with openings arched over below the under side of the first tier of beams;

Or girders of iron or steel on piers of masonry, or on iron columns may be used.

Or if iron or steel floor beams spanning the distance between bearing walls are used of adequate strength to support the stud partitions above in addition to the floor load to be sustained direct by the said iron or steel beams, then the brick partition or its equivalent may be omitted.

Stud partitions which may be placed in the cellar or lowest story of any building shall have good, solid stone, brick or cement concrete foundation walls under the same, which shall be built up to the top of the floor beams or sleepers.

§ 58. Vaults, Area Ways and Cellars.

In buildings where the space under the sidewalks is utilized, a sufficient stone or brick or concrete wall or arches between iron or steel beams shall be built to retain the roadway of the street, and the side, end or party walls of such building shall extend under the sidewalk of sufficient thickness to such wall.

The roofs of all vaults shall be of incombustible material.

Openings in the roofs of vaults for the admission of coal or light or for manholes or for any purpose, if placed outside the area lines, shall be covered with glass set in iron frames, each unit of glass to measure not more than sixteen square inches, or with iron covers having a rough surface and rabbeted into or made flush with the sidewalk.

When any such cover is placed in any sidewalk, it shall be placed as near as practicable to the outside line of the curb.

All open areaways shall be properly protected with suitable railings.

The floor of the cellar or lowest story in every dwelling house, apartment house, tenement house, lodging house, hotel, apartment hotel, workshop, factory, school, church, hospital and asylum, shall be concreted not less than four inches thick.

Where wood floors are to be laid in such cellars or lowest stories the sleepers shall be placed on top of the concrete.

§ 59. Walls for Cottages.

Cottages, private stables or other small structures where the bearing walls are not more than twelve (12) feet in height above the top of the cellar or foundation wall, may be made only nine (9) inches thick.

Such walls must be laid in Portland cement mortar.

PART VIII.

CHIMNEYS, FLUES, FIREPLACES AND HEATING PIPES.

§ 60. Chimneys.

Chimneys in all buildings shall be made of brick, stone, concrete or metal. If built of stone or concrete of any thickness of walls, they shall have proper flue lining.

No chimney shall be started or built upon any floor or beam of wood.

In no case shall a chimney be corbelled out more than eight inches from the wall, and in such cases the corbelling shall consist of at least five courses of brick.

When chimneys are supported by piers, the piers shall start from the foundation on the same line with the chimney breast and shall be not less than twelve inches on the face, properly bonded into the wall.

When a chimney is to be cut off below in whole or in part, it shall be wholly supported by stone, brick, concrete, iron or steel.

All chimneys which shall be dangerous in any manner whatever shall be repaired and made safe or taken down.

Chimneys shall be finished on top with single blocks of stone, terra cotta or concrete, or with cast iron plates, except, however, that the tops of chimneys in buildings not more than

three stories in height may be topped out with brick laid in Portland cement mortar in lieu of coping.

Chimneys projecting through roofs more than six feet shall, if the walls of the chimney are less than nine inches thick, be anchored to the roof timbers by suitable iron bands and tie rods.

If any chimney, flue or stack is liable to emit sparks, or if shavings or sawdust are used as fuel, it shall be covered over on top with heavy iron netting.

§ 61. Chimneys of Cupolas.

Chimneys or stacks connected to iron cupolas in foundries, and other chimneys of which a similar service is required, shall extend not less than ten feet above the highest point of any roof within a radius of 100 feet. This applies to all chimneys, flues or stacks already built or to be built.

§ 62. Chimney Walls.

The thickness of all chimney walls shall be sufficient to meet all requirements of temperature, direct loading and wind pressure.

The brick work of the smoke flues of all low pressure boilers, furnaces, bakers' ovens, large cooking ranges, large laundry stoves and all flues used for a similar purpose shall be at least eight inches in thickness and lined continuously on the inside with well-burnt clay or terra cotta pipe, and shall be capped with terra cotta, stone or cast iron.

The walls of all high pressure boiler flues shall be not less than twelve inches and the inside four inches of such walls shall be firebrick laid in fire mortar for a distance of twenty-five feet in any direction from the source of heat.

All smoke flues of smelting furnaces or of steam boilers or other apparatus which heat the flues to a high temperature, shall be built with double walls of suitable thickness for the temperature with an air space between the walls, the inside four inches of the flues to be fire brick laid in fire mortar for a distance of not less than twenty-five feet in any direction from the source of heat.

For any now existing brick building where it becomes necessary to provide a smoke flue of larger size than any flue within the building, such flue may be placed on the outside of the building, but within the lot lines of same, and be made round in shape and of galvanized sheet metal not less than one-tenth of an inch in thickness, properly riveted together at all joints,

and carried up to a height not less than ten feet above the roof, and be properly braced at intervals for its entire length with flat iron bands secured with expansion bolts to the wall, leaving a free air space of not less than four inches between the outside of the metal flue and the brick wall of the building, and have a clean-out door at the bottom. This metal flue shall rest on a suitable cast iron plate at the bottom, supported on a suitable foundation of masonry.

§ 63. Chimney Flues.

Chimneys shall be constructed not less than four feet above flat roofs and not less than two feet above the peak of a pitched roof.

On dwelling houses and stables three stories or less in height, not less than six of the top courses of a chimney may be laid in pure cement mortar and the brick work carefully bonded and anchored together in lieu of coping.

No smoke flue shall be less than seven by eleven inches, nor any furnace flue less than seven by eleven inches, exclusive of thickness of lining in each case.

Every smoke flue shall be lined continuously on the inside with well-burnt clay or terra cotta pipe made smooth on the inside from the bottom of the flue, or from the throat of the fireplace if the flue starts from the latter, and carried continuously to extreme height of the flue. The ends of all such lining pipes shall be made to fit close together and the pipe shall be built in as the flue or flues are carried up and space between flue lining and wall made solid with cement mortar. Each flue shall be inclosed on all sides with not less than eight inches of solid brick work, properly bonded together, except that the withes or brickwork between lined flues on the inside of the chimney may be four inches in thickness, and except further, that chimneys for cottages and top twenty-five feet of chimneys in other residence buildings may have outside walls of four inches in thickness if properly lined, but if not lined, such chimney walls must be eight inches thick and the joints both inside and out must be struck smooth.

Pargeting mortar shall not be used in the inside of any chimney.

§ 64. Fireplaces and Hearths.

The firebacks of all fireplaces shall be not less than eight inches in thickness of solid brickwork. When a grate is set in a fireplace a lining of firebrick at least two inches in thick-

ness shall be added to the fire back, unless tile or cast iron is used and filled solidly behind with fireproof material.

§ 65. Trimmer Arches.

All fireplaces and chimney breasts where mantels are placed, whether intended for ordinary fireplace uses or not, shall have trimmer arches to support hearths;

And the said arches shall be at least twenty inches in width measured from the face of the chimney breast, and they shall be constructed of brick, stone, burnt clay or concrete.

The length of a trimmer arch shall be not less than the width of the chimney breast.

Wood centers under trimmer arches shall be removed before plastering the ceiling underneath.

If a heater is placed in a fireplace, then the hearth shall be the full width of the heater.

All fireplaces in which heaters are placed shall have incombustible mantels.

No wood mantel or other woodwork shall be exposed back of a summer piece; the iron work of the summer piece shall be placed against the brick or stone work of the fireplace.

No fireplace shall be closed with a wood fireboard.

§ 66. Hot Air Flues, Pipes and Vent Ducts.

All stone or brick hot air flues and shafts shall be lined with tin, galvanized iron or burnt clay pipes.

No wood casing, furring or lath shall be placed against or cover any smoke flue or metal pipe used to convey hot air or steam.

No smoke pipe shall pass through any floor.

No stove pipe shall be placed nearer than nine inches to any lath and plaster or board partition, ceiling or any woodwork.

Smoke pipes of laundry stoves, large cooking ranges and of furnaces shall be not less than fifteen inches from any woodwork, unless they are properly guarded by metal shields; if so guarded, stove pipes shall be not less than nine inches distant.

Where smoke pipes pass through a lath and plaster partition, they shall be guarded by galvanized iron ventilated thimbles at least twelve inches larger in diameter than the pipes, or by galvanized iron thimbles built in at least eight inches of brickwork.

§ 67. Smoke Pipes Through Roofs.

No smoke pipe shall pass through the roof of any building unless a special permit be first obtained from the Inspector of Buildings for the same. If a permit is so granted, then the roof through which the smoke pipe passes shall be protected in the following manner:

A galvanized iron ventilated thimble of the following dimensions shall be placed:

In Case of a Stove Pipe.—The diameter of the outside guard shall be not less than twelve inches and the diameter of the inner one eight inches larger than the smoke pipe, and for all furnaces, or where similar large hot fires are used, the diameter of the outside guard shall be not less than eighteen inches and the diameter of the inner one twelve inches larger in diameter than pipe. The smoke pipe thimbles shall extend from the under side of the ceiling or roof beams to at least nine inches above the roof, and they shall have openings for ventilation at the lower end where the smoke pipes enter, also at the top of the guards above the roof.

In Case of a Boiler Pipe.—Where a smoke pipe of a boiler passes through a roof the same shall be guarded by a ventitaled thimble, same as before specified, thirty-six inches larger than the diameter of the smoke pipe of the boiler.

§ 68. Hot Air Pipes.

All pipes or conductors to be used for the transmission of air, or for heating purposes in any building, shall be made of two sheets of tin or other suitable metal fastened together so as to leave air space of not less than one-fourth of an inch between the sheets of metal.

The studding or lath shall be covered with tin on the sides next to the pipe and there shall be not less than one-half inch space between the hot air pipe and the studding or wood lath.

Hot air pipes in closets shall be enclosed with metal laths and plaster.

No plaster shall be put on covering the space occupied by heating pipes in walls or partitions until the pipes have been inspected and approved by the Inspector of Buildings or one of his assistants.

No vertical hot air pipe shall be placed in a stud partition, unless it be at least five feet distant in a horizontal direction from the furnace.

Horizontal hot air pipes shall be placed at least six inches below the floor beams or ceiling; if the floor beams or ceiling are plastered and protected by a metal shield, then the distance shall be not less than three inches.

§ 69-a. Ducts for Ventilation.

Vent flues or ducts for the removal of foul or vitiated air, in which the temperature of the air cannot exceed that of the rooms, may be constructed of iron or other incombustible material, and shall not be placed nearer than one inch to any woodwork, and no such pipe shall be used for any other purpose.

In buildings of fireproof construction, ventilating shafts passing through floors shall be constructed of fireproof material not less than four inches in thickness. Any opening in such ducts or shafts shall be protected by automatically closing fire-doors or by metal louvres riveted into metal frames, and such ducts shall open to the outside of the building.

§ 69-b. Vent Ducts in Public Schools.

In the support or construction of such ducts, if placed in a public school room, no wood furring or other inflammable material shall be nearer than two inches to said flues or ducts, and shall be covered on all sides other than those resting against brick, terra cotta or other incombustible material, with metal lath plastered with at least two heavy coats of mortar and having at least one-half inch air space between the flues or ducts and the lath and plaster.

§ 69-c. Steam and Hot Water Heating Pipes.

Steam or hot water heating pipes shall not be placed within two inches of any timber or woodwork, unless the timber or woodwork is protected by a metal shield, then the distance shall be not less than one inch.

All steam or hot water heating pipes passing through floors and ceilings or lath and plastered partitions, shall be protected by a metal tube passing entirely through floor and ceilings or partitions one inch larger in diameter than the pipe, having a metal cap at the floor, and where they are run in a horizontal direction between a floor and ceiling a metal shield shall be placed on the under side of the floor over them and on the sides of wood beams running parallel with said pipes.

All wood boxes or casings inclosing steam or hot water heating pipes and all wood covers to recesses in walls in which steam or hot water heating pipes are placed shall be lined with metal.

All pipes or ducts used to convey air warmed by steam or hot water shall be of metal or other fireproof material.

All steam and hot water pipe covering shall consist of fireproof materials only.

Plumbing Pipes.—Cold water or other exposed plumbing pipes shall have the surrounding air space closed off at the ceiling and floor line of any floor through which any such pipe or pipes shall be carried.

Vents for Gas Stoves and Grates.—No natural or artificial gas shall be burned in any grate, furnace, water heater or range, unless said grate, furnace, water heater or range be connected with a suitable flue for carrying off the products of combustion.

PART IX.

WOOD BEAMS, GIRDERS AND COLUMNS.

§ 70. Wood Beams.

Every wood beam, except header beams, shall rest at one end four (4) inches in the wall or upon a girder as authorized by this Code, unless the wall is properly corbelled out four (4) inches, in which case the brickwork or corbelling shall extend to the top of the floor beams.

The ends of all wood floor beams where they rest on brick walls shall be cut to a bevel of one inch in four inches, except that in no case shall the top of the beams be less than one inch back of the inner face of the wall.

§ 71. Cross Bridging.

All wood floor beams shall be properly bridged with cross bridging and the distance between bridging, or between bridging and walls shall not exceed eight feet.

§ 72. Anchors.

Each tier of beams shall be anchored to the side, front, rear or party wall at intervals of not more than ten (10) feet, with

good, strong wrought iron anchors of not less than one and a half ($1\frac{1}{2}$) inches by one-quarter of an inch in size, well fastened to the side of the beams by two or more nails at least one-fourth ($\frac{1}{4}$) of an inch in diameter. Anchors of equal efficiency and different design may be used.

§ 73. Girder Straps.

Where the beams are supported by girders, the girders shall be anchored to the walls and to each other.

Beam Straps.

The ends of wood beams resting upon girders shall be butted end to end and strapped by wrought iron straps of the same size and distance apart and in the same beam as the wall anchors, and shall be fastened in the same manner as said wall anchors, or they may lap each other at least twelve (12) inches and be well spiked or bolted together where lapped.

§ 74. Pier Anchors.

Every pier and wall, front or rear, shall be well anchored to the beams of each story with the same size anchors as are required for side walls, which anchors shall hook over the fourth beam.

§ 75. Beams Near Flues.

Wood beams shall be trimmed away from all flues and chimneys, whether the same be a smoke, air or any other flue or chimney. No trimmer beam shall be placed nearer than ten (10) inches of the inside of any flue.

For the smoke flues of boilers and furnaces when the brickwork is required to be more than nine (9) inches in thickness, the trimmer beam shall be not less than four (4) inches from the outside of the brickwork and the header beam shall not be less than two (2) inches from the outside of the brickwork.

The header beam carrying the tail beams of a floor and supporting the trimmer arch in front of a fireplace, shall not be less than twenty (20) inches from the chimney breast.

§ 76. Thickness of Header and Trimmer Beams.

Wood trimmer or header beams shall not be less than one

inch thicker than the floor or roof beams on the same tier where the header is four feet or less in length; and where the header is more than four feet and not more than twelve feet in length, the trimmer and header beams shall be at least double the thickness of the floor or roof beams, or shall be made of two beams forming such thickness properly spiked or bolted together.

When the header is more than twelve (12) feet in length the strength of the wood construction shall be increased in proportion to the load and span or wrought iron or steel beams of sufficient strength may be used.

All wooden trimmer beams more than twelve (12) feet in length where the header beam is inserted more than four (4) feet from the end of the trimmer beam shall be constructed in the same manner as header beams over twelve (12) feet in length.

When header beams carry more than two (2) tail beams they shall be hung to trimmer beams by suitable stirrups and the tail beams framed into header beams or hung thereto by stirrups.

§ 77. Spacing of Floor Beams.

Floor beams in dwelling houses, stores and factories shall not be more than sixteen inch centers, and in warehouses twelve inch centers.

§ 78. Studding.

Studding in frame buildings shall not be less than two by four inches, and shall be placed not more than sixteen inches apart.

All studding shall be traced by diagonal sheathing, bridging or proper lateral bracing.

All floor joists, studding and rafters shall be at least two (2) inches in thickness.

§ 79. Wood Columns and Plates.

Timber or iron caps and bases shall be provided for wood posts wherever necessary to maintain the limit of stresses fixed by this Code.

Loads shall be transmitted from story to story through columns by means of iron or steel, in no case should loads be transmitted by the intervening wood girder.

All bolts used in connection with timber framing shall be provided with washers large enough to reduce the compression in the wood under the washer to the allowable stress, supposing the bolt to be strained to its limit.

PART X.

GENERAL CONSTRUCTION.

§ 80. Ducts for Pipes.

All ducts for pipes, wires and other similar purposes shall be inclosed on all sides with fireproof material.

And the opening through each floor shall be properly fire-stopped.

Any door opening in such duct shall be provided with a self-closing fire-proof door.

If the area of such duct exceeds four square feet, the thickness of the fireproof inclosure shall be not less than four (4) inches, and shall extend by a proper fireproof outlet to and through the roof.

§ 81. Sheathing and Wainscoting.

No wall or ceiling in any building hereafter erected other than buildings or portions of buildings occupied exclusively for dwelling or club purposes shall be covered with wood sheathing or any combustible material.

But this shall not exclude, excepting in theaters, the use of wood wainscoting to a height not to exceed six (6) feet when the surface of the wall or partition behind such wainscoting shall be plastered flush with the grounds and down to the floor line, thereby solidly filling the space between the wainscoting and the surface of the wall or partition with incombustible material.

§ 82. Bay, Oriel, Show Windows and Balconies.

The face of any wall, pilaster or column of any building above the level of the first water table shall not project beyond the property line, and no bay or oriel or show window or balcony shall project more than four (4) feet over any public way, and no part of such projection shall be less than ten (10) feet above the sidewalk.

The floors and walls of bay and oriel windows shall not be constructed of materials not allowable in the construction of the adjoining floors and walls, but the walls may be constructed of iron framing covered with sheet metal.

Every balcony, loggia, porch, veranda or stoop constructed as a part of a fireproof building shall be made entirely of incombustible material.

PART IX.

STAIRWAYS.

§ 83. Width, Tread, Risers and Landings.

The width of the stairways required by this section shall in no case be less than three (3) feet six (6) inches in the clear between handrails or between the handrail and an enclosed side of the stairs.

The widths given herein are for stairs with straight runs or flights; when curved or winding stairs are used their widths shall be no less than one and one-quarter ($1\frac{1}{4}$) times that of an equivalent straight run stair, and the given dimensions of the treads and risers shall be laid off on the center of such run. The width of a tread in any stairs at the narrowest end shall not be less than the height of one of its risers.

All such stairs shall have treads of uniform width and risers of uniform height throughout in each flight, and the risers shall be not more than eight (8) inches in height and the treads exclusive of nosings not less than ten (10) inches. Each flight of stairs in every story which exceeds a height of eleven (11) feet in the clear shall have a proper landing introduced and said landing shall be placed at the central portion thereof. If the stairs be a straight run.

There shall not be less than three (3) risers between any two landings, or any floor and landing, nor shall there be any change in the dimensions of treads and risers in any flight between two floors, and there shall be at least seven (7) feet in the clear between the soffits of the stairs or ceilings of floors and nosing of treads at landings.

If a stair landing is in the direction of its run, its depth shall not be less than the sum of two of its risers and two of its treads.

At angle turns, the landings shall have no winders, and the depth shall not be less than the width of the stairway.

For stairways returning directly upon themselves, the landings shall be the full width of both flights and have a depth not less than the width of the stairs over all.

When two side flights connect with one main flight the width of the main flight shall be equal to the aggregate width of the side flights, and the depth of the landing shall not be less than three-fourths ($\frac{3}{4}$) of the main flight over all.

The stairs shall be provided with proper banisters or railings and handrails and kept in good repair.

Stairways six feet or more in width shall have a strong and well-braced handrail in the center.

All stairs shall extend from the ground floor to the top-most floor, and when two or more stairways are required they shall be located at as great a distance from each other as possible.

This section shall apply to all buildings not otherwise provided for in this Code, except "Private Dwellings," as defined in this Code.

§ 84. Engineers' Stationary Ladders.

Every building in which boilers or machinery are placed in the cellar or lowest story shall have stationary iron ladders or stairs from such story leading direct to a manhole above on the sidewalk or other outside exit.

§ 85. Stairs, Number Regulated by Occupancy.

All public halls (not herein otherwise provided for), railroad depots, stores, warehouses, factories, work shops, club houses and other buildings of like character hereafter built, in which, above the second floor, there is to be, or in which provision is made for the employment or assembling of twenty to one hundred people, there shall be at least two stairways.

The width of stairways shall be increased six inches for each fifty persons over one hundred until five feet is reached. If eight hundred or more persons are employed on such premises, the number of stairways shall be increased to three, each five feet in width.

All hotels, school houses, tenement or apartment houses, hospitals, infirmaries, asylums, homes, reformatories and stores with sleeping apartments above the second story for ten or more persons, hereafter built, shall have two stairways.

Stairways shall be increased in width six inches for each fifty persons in excess of one hundred for which provision is made until such provision shall have reached three hundred

and fifty or more, then there shall not be less than three stairways of no less width than six feet each.

Basement used for living rooms, salesrooms, manufacturing purposes, packing purposes, place of assembly or resort or store room in which twenty or more persons are employed, shall have at least two stairways leading to the floor above or to the street or alley on which said cellar abuts.

§ 86. Stairs, Number Regulated by Area of Building.

In any building hereafter erected to be used as an office building, store, factory, hotel, lodging house or school covering at lot area—

Exceeding twenty-five hundred (2500) feet and not exceeding five thousand (5,000) feet, there shall be provided at least two (2) continuous lines of stairs remote from each other;

And every such building shall have at least one continuous line of stairs for each five thousand feet of lot area covered, or part thereof, in excess of that required for five thousand feet of area.

When any such building covers an area of lot greater than fifteen thousand feet, the number of stairs shall be increased proportionately or as will meet with the approval of the Inspector of Building.

§ 87. Stair Hallway Inclosure.

In all stores, warehouses and factories the staircase halls shall be inclosed with suitable walls of brick or with burnt clay blocks set in iron frames or such other fireproof materials and forms of construction as may be approved by the Inspector of Buildings, except that the inclosure walls in such buildings exceeding three stories in height shall be of brick. Said walls or construction shall be continuous and extend at least three feet above the roof.

The roof over the stair hall inclosure shall be covered with a metal and glass skylight at least three-eighths of the area of the inclosure and constructed and glazed as required for skylights over elevator inclosures.

All door openings in such stair hall inclosures shall be provided with self-closing fireproof doors and frames, and all window openings shall have window frames of metal, and the window sash shall be fixed sash of metal and glazed with wired glass, but no one pane shall exceed seven hundred and twenty square inches in size.

At least one of such inclosed stair halls in each of said buildings shall have a like connecting inclosure hallway in the first story and extend to the street, and all door or window openings in the same shall be provided with doors and windows as provided for openings in the stair hall inclosures.

Any hotel building requiring more than one stairway, as provided in sections 85 and 86 of this Code, shall have at least one such continuous stairway inclosed in the manner described in this section.

PART XII.

SKYLIGHTS AND FLOOR-LIGHTS.

§ 88. Metal Skylights.

The term "Skylight" shall be taken to mean and include flat, hipped, lantern, monitor, turret dome, vertical or pitched saw-tooth constructions and all other covers placed over openings on roofs for the admission of light.

All skylights placed on or in any building shall have the frames and sash thereof constructed of metal and glazed.

All openings in roofs for the admission of light other than elsewhere provided in this Code over elevator, stair, dumb-waiter shafts and theater stage roofs, shall have metal frames and sash, glazed with wired glass not less than one-quarter inch thick, or with glass protected above and below with wire screens, of not less than No. 12 galvanized wire and not more than one-inch mesh.

Skylights Over Public Passageways.

Skylights hereafter placed in buildings of a public character over any passageway or room of public resort, shall have immediately underneath the glass thereof a wire netting, unless wired glass is used.

Floor-Lights.

All openings in floors for transmission of light to floors below shall be covered over with floor lights constructed of metal frames and bars, the glass in no case to be less than three-quarters of an inch in thickness.

If any glass in same measures more than sixteen (16) square inches, the glass shall be provided with strong wire netting under the same.

PART XIII.

HEATING APPARATUS AND DRYING ROOMS.

§ 89. Boilers.

A brick-set boiler shall not be supported on beams or floor construction made of wood or other combustible material.

A portable boiler may be supported on beams or floor construction made of wood or other combustible material, but in any such case the floor shall be protected by a covering not less than four inches thick of concrete or brick laid in cement mortar. Such a covering shall be constructed upon a continuous sheet metal plate not less than three-sixteenths of an inch thick, having all joints substantially riveted and the edges turned up four inches on all sides. This floor covering shall extend under the whole of the fire box and ash pit of the boiler and shall extend outwardly not less than eight inches in front and not less than four feet on the other three sides.

Hot air furnaces, ovens, coffee roasters or other appliances in which similar fires are maintained, when supported on beams or other floor construction made of wood or other combustible material, shall rest on a floor covering as herein provided for portable boilers.

No combustible wall or partition shall be within four feet of the sides or back or six feet from the front of any boiler or other heating apparatus, unless said wall or partition shall be covered with metal to a height of at least four feet above the floor, and this covering shall extend from the end or back of the boiler to at least five feet in front of it, then the distance shall be not less than two feet from the sides and five feet from the front of the boiler.

Registers located over a brick furnace shall be supported by a brick shaft built up from the cover of the hot air chamber; said shaft shall be lined with a metal pipe and all wood beams shall be trimmed away not less than four inches from it.

§ 90. Warm Air Furnaces.

All furnaces shall be set on brick, stone or concrete foundation. If set on brick, the joints must be slushed with cement mortar.

Where joists or other woodwork is within twenty-four (24) inches of the furnace, same shall be covered with one-eighth-inch asbestos mill board and sheet metal, enough to cover space above the furnace and extended twelve (12) inches wider on all sides of the furnace.

If the space over the furnace is ceiled with wood, an air space shall be left between the ceiling and the shield.

All furnace tops shall have rim extending at least two (2) inches above the top of casing and shall be filled with sand.

Smoke pipe connecting the furnace to the flue shall be made of No. 24 galvanized iron, and where same is within three feet of joists or other woodwork, said woodwork shall be covered with one-eighth-inch asbestos mill board and sheet metal thirty (30) inches wide.

All warm air pipe in basement and register boxes shall be covered with asbestos paper.

Where woodwork of any kind is within three (3) inches of warm air pipes or register boxes, the same shall be covered with asbestos mill board not less than one-eighth-inch in thickness and sheet tin, and extended three (3) inches on each side wider than the pipe or register box.

All pipes enclosed in stud partitions shall be double wall pipes from round connection in basement to register in room, and to have not less than one-quarter-inch air space between the outer and inner walls of the pipe.

Cold air pipe connecting furnace to filter room or window to be made of either brick or sheet metal.

Where filter room is made of wood and same is within three feet of furnace, same shall be covered with one-eighth-inch asbestos mill board and sheet metal.

All warm air register openings in floors in buildings other than dwellings shall not have valves or shutters, but register face only.

All warm air pipes leading from furnace shall have regulating damper at a point not more than two feet from furnace.

All cellar warm air supply pipes leading from the furnace to be entirely covered with asbestos paper (not less than ten-pound paper).

All registers placed in any wood floors shall have iron border.

In all cases where one-eighth-inch asbestos is mentioned in this section, two thicknesses of ten-pound asbestos paper may be used, except over furnace and over smoke pipe.

§ 91. Drying Rooms.

The walls, ceilings and partitions enclosing drying rooms, when not made of incombustible material, shall be finished with metal lath and plastered, or they shall be covered with metal, terra cotta fireproofing or other hard, incombustible material.

§ 92. Ranges and Stoves.

Where a kitchen range is placed from twelve to six inches from a wood partition, the said partition shall be shielded with metal from the floor to the height of not less than three feet higher than the range; if the range is within six inches of the partition then the studs shall be cut away and framed three feet higher and one foot wider than the range and filled in to the face of the said stud partition with brick or fireproof blocks, and plastered thereon.

All ranges on wood or combustible floors and beams that are not supported on legs and have ash pans three inches or more above their base shall be set on suitable brick foundations consisting of not less than two courses of brick well laid in mortar on galvanized sheet iron, except small ranges such as are used in apartment houses that have ash pans three inches or more above their base, shall be placed on at least one course of brickwork on galvanized sheet iron.

No range shall be placed against a furred wall.

All lath and plaster or wood ceilings over all ranges in hotels and restaurants shall be guarded by metal hoods placed at least nine inches below the ceiling.

Laundry stoves on wood or combustible floors shall have a course of bricks laid on metal on the floor under and extended twenty-four inches on all sides of them.

All stoves for heating purposes shall be properly supported on iron legs resting on the floor and placed three feet or more from all lath and plaster or woodwork; if the lath and plaster or woodwork is properly protected by a metal shield, then the distance shall be not less than eighteen inches.

A metal shield shall be placed under and twelve inches in front of the ash pan of all stoves that are placed on wood floors.

All low gas stoves shall be placed on iron stands, or the burners shall be at least six inches above the base of the stoves, and metal guard plates placed four inches below the burners, and all woodwork under them shall be covered with metal.

Gas connections to such stoves shall be made by metal pipes, unless there is no valve on the gas stove.

All receptacles for ashes shall be galvanized iron, brick or other incombustible material.

§ 93. Notice to Building Inspector.

In cases where hot water, steam, hot air or other heating appliances or furnaces are hereafter placed in any building, or flues or fireplaces are changed or enlarged, due notice shall be given to the Department of Buildings by the person or persons placing the said furnace in said building, or by the contractor or superintendent of said work.

PART XIV.

ROOF CONSTRUCTION.

§ 94. Mansard Roofs.

If a mansard or other roof of like character having a pitch of over sixty degrees be placed on any building except a wood building or a dwelling house not exceeding three stories nor more than forty feet in height, it shall be constructed of iron rafters and lathed with iron or steel on the inside and plastered or filled in with fireproof material not less than three (3) inches thick, and covered with metal, slate or tile.

No false mansard or other similar roof construction for increasing the apparent height of a building, but having no full story behind the same, shall be placed on any building to a greater height than five (5) feet above the cornice of the highest point of the roof beams.

Bulkheads, Pent Houses and Scuttles.

Bulkheads used as enclosures for tanks and elevators or for covering any other machinery or appliances required for the operation of a building not more than four (4) stories in height hereafter erected or altered, may be constructed of hollow fireproof blocks or of wood covered with fireproof material inside and out.

On fireproof buildings the bulkheads and enclosures on roofs shall be constructed of fireproof materials only.

All exits to roof through roof houses, bulkheads and scuttles shall open outwardly.

No scuttle shall be less in size than two by three feet.

All doors and door frames in such openings shall be made of metal or of wood covered with metal.

§ 95. Cornices and Gutters.

On all buildings hereafter erected within the fire limits, the exterior cornices, inclusive of those on show windows and gutters, shall be of some fireproof material.

All fireproof cornices shall be well secured to the walls with iron anchors independent of any woodwork.

No cornice, not including pediments, shall extend more than five (5) feet above the highest point of the roof beams of any building.

Walls in Relation to Roof Planking and Cornices.

In all cases the walls shall be carried up to the planking of the roof.

Where the cornice projects above the roof, the walls shall be carried up to the top of the cornice.

The party walls shall in all cases extend above the planking of the cornice and be coped.

Unsafe Cornices.

All exterior wood cornices within the fire limits that may now be or that may hereafter become unsafe or rotten shall be taken down.

And if replaced shall be constructed of some fireproof material.

§ 96. Tanks.

Tanks containing more than five hundred gallons of water or other fluid hereafter placed in any story or on the roof or above the roof of any building now or hereafter erected, shall be supported on iron or steel beams of sufficient strength to safely carry the same;

And the beams shall rest at both their ends on brick walls, or on iron or steel girders, or iron or steel columns, or piers of masonry.

Underneath any said water tank, or on the side near the bottom of the same there shall be a short pipe or outlet not less than four inches in diameter, fitted with a suitable valve having a lever or wheel handle to same to discharge the weight of the fluid contents from the tank in case of necessity, unless tank water is to supply automatic sprinklers.

Such tanks shall be placed where practicable at one corner of a building and shall not be placed over nor near a line of stairs unless the stairs are inclosed with brick walls of sufficient strength to support the added load of the tank and contents.

Covers on top of water tanks placed on roofs, if of wood, shall be covered with tin.

All wooden tanks shall be coopered with metal hoops circular in section.

§ 97. Roof Covering.

The planking and roofing of buildings within the fire limits shall not in any case be extended across the side or party wall thereof.

Within the fire limits every building and the tops and sides of every dormer window thereon shall be covered and roofed with incombustible roofing, and the outside of the frames of every dormer window hereafter placed upon any such building shall be made of some fireproof material.

§ 98. Incombustible Roofing.

An incombustible roof is one covered with tin, iron, slate, tile, cement, asbestos shingles, or other fire resisting material properly applied. A roof covering made with not less than three (3) thicknesses of roofing felt, each weighing fourteen (14) pounds to the square (100 square feet) all cemented together and covered with a good coat of pitch solidly mopped and finished with a gravel top, will be classed as an incombustible roof.

§ 99. Leaders From Roofs.

All buildings shall be kept provided with proper metallic leaders for conducting water from the roofs in such manner as shall protect the walls and foundations of said buildings from injury.

In no case shall the water from the said leaders be allowed to flow upon the sidewalk, but the same shall be conducted by pipe or pipes to the sewer.

If there be no sewer in the street upon which such buildings front, then the water from said leader shall be conducted by proper pipe or pipes below the surface of the sidewalk to the street gutter.

PART XV.

FLOOR AND ROOF LOADS.

§ 100. Floor Loads.

The dead loads in all buildings shall consist of the actual weight of walls, floors, roofs, partitions and all permanent construction.

The live or variable loads shall consist of all loads other than dead loads.

All floors shall be of sufficient strength to carry not less than the following evenly distributed live loads per square foot of floor:

	Pounds.
Dwellings, hotels, apartment houses, tenement houses, lodging houses	60
Office buildings, first floor	150
Office buildings, above first floor	75
Schools	75
Stables, garages and carriage houses	100
Stores where heavy materials are stored, warehouses and factories	150
Assembly halls and theaters	100
Dancing or drilling halls	150
Sidewalks	300

The strength of factory floors intended to carry running machinery shall be increased above the minimum given in this section in proportion to the degree of vibratory impulse liable to be transmitted to the floor.

§ 101. Roofs.

The roofs of all buildings having a pitch of less than twenty degrees shall be proportioned to bear safely not less than forty pounds per square foot of evenly distributed live load.

If the pitch be more than twenty degrees, the live load shall be assumed at thirty pounds measured on a horizontal plane.

Roofs used as places of public assembly or other special purposes shall be made to carry the live loads per square foot as are required on floors used for like purposes.

§ 102. Strength of Existing Floors to be Calculated.

When required by the Inspector of Buildings, the owner or agents of warehouses and buildings or parts of buildings in which manufacturing is carried on, erected prior to the passage of this ordinance, shall furnish the Inspector of Buildings with a statement made by a competent architect, engineer or builder, showing the size of the beams and floors of such buildings. The statements shall also contain the evenly distributed load in pounds per square foot which the owner or agent desires to carry on the floors described.

The Inspector of Buildings shall examine every such statement when it has been filed and shall determine the maximum load or loads that shall be allowed on the floors described and such maximum loads shall not be greater than would be allowable under the provisions of this ordinance.

The officers and employes of the office of the Inspector of Buildings may enter any building for the purpose of verifying the statements relating thereto, or to obtain further information regarding the construction of such buildings, and may make measurements and remove portions of flooring or ceiling or other parts that are deemed necessary to make the examination complete, cost if any, to be at the expense of the owner or agent of the building.

The Inspector of Buildings may enter any such warehouse or building in which manufacturing is carried on for the purpose of such examination, and shall determine the maximum allowable loads without the statements as herein provided, if such action is deemed desirable.

When the maximum load or loads have been determined, the owner or agent shall be notified, and thereupon he shall post the amount of said maximum loads in a conspicuous place on each floor or part thereof to which it relates.

§ 103. Vertical Supports.

Every column, post, or other vertical support shall be sufficient strength to bear safely the weight of the portion of each and every floor depending upon it for support, in addition

to the weight required as before stated to be supported safely upon said portions of said floors.

§ 104. Reduction in Live Loads on Columns.

For the purpose of determining the carrying capacity of columns in dwellings, office buildings, stores, stables and public buildings when over five stories in height, a reduction of the live load shall be permissible as follows:

For the roof and the top floor the full live loads shall be used.

For each succeeding lower floor, it shall be permissible to reduce the live load by 5 per cent., until 50 per cent. of the live loads fixed by this section is reached, when such reduced loads shall be used for all remaining floors.

§ 105. Load on Floors to be Distributed.

The weight placed on any of the floors of any building shall be safely distributed thereon.

The Inspector of Buildings may require the owner or occupant of any building, or of any portion thereof, to redistribute the load on any floor, or to lighten such load where it is necessary for safety.

§ 106. Strength of Temporary Supports.

Every temporary support under any structure, wall, girder or beam, during the erection, finishing, alteration, or repairing of any building or structure, or any part thereof, shall be of sufficient strength to safely carry the load to be placed thereon.

During the construction or alteration of any building or structure, no material entering into such construction or alteration, shall be placed on any floor of any greater weight than the live load that each such floor is intended to safely sustain when the building or structure is completed.

PART XVI.

STRENGTH OF MATERIALS.

§ 107. Working Stresses.

The weight of building materials used in the calculation of stresses shall be taken at not less than the following:

	Pounds.
Brick masonry, per cubic foot.....	120
Rubble masonry, per cubic foot.....	150
Concrete, per cubic foot.....	140
Granite, per cubic foot.....	170
Limestone, per cubic foot.....	160
White pine, per cubic foot.....	24
Yellow pine, per cubic foot.....	48
Oak, per cubic foot.....	48
Terra cotta or tile, per cubic foot.....	50

§ 108. Safe Load for Masonry Work.

The safe bearing load to apply to masonry work in tons per superficial foot shall be as follows:

	Tons.
Rubble masonry in Louisville cement mortar.....	12
Brickwork in lime mortar.....	8
Brickwork in Louisville cement mortar.....	12
Brickwork in Portland cement mortar.....	18

	Pounds.
Slating, per square 100 feet.....	600
Lath and plaster, per square foot.....	10
Gravel roof.....	15

§ 109. Tensile Strains.

The allowable stresses in direct tension in building materials shall not be greater than the following in pounds per square inch of net section:

	Pounds.
Cast and rolled steel.....	16,000
Wrought iron	12,000
Yellow pine	1,200
Oak	1,000

Compressive Strains.

The allowable stresses in direct compression in building materials, except in the case of columns, shall not be greater than the following in pounds per square inch of sectional area:

	Pounds.	
Rolled and cast steel.....	16,000	
Wrought iron	12,000	
Cast iron (in short blocks).....	16,000	
Steel pins and rivets (bearing).....	20,000	
Wrought iron pins and rivets (bearing).....	15,000	
	Pounds	Pounds
	with Grain.	across Grain.
Oak and yellow pine.....	1,000	600
White pine	800	400
Hemlock	800	500
Chestnut	600	1,000

§ 110. Shear.

Allowable stress in shear shall not be greater than the following in pounds per square inch of section:

	Pounds.
Steel web plates.....	9,000
Steel shop rivets and pins.....	10,000
Steel field rivets.....	8,000
Steel field bolts.....	8,000
Wrought iron shop rivets and pins.....	7,500
Wrought iron field rivets.....	6,000
Wrought iron field bolts.....	5,000
Cast iron	2,500
Yellow pine and oak, with grain.....	86
Yellow pine and oak, across grain.....	400

§ 111. Bending.

Allowable extreme fibre stresses in bending shall not be greater than the following in pounds per square inch of section:

	Pounds.
Rolled steel beams.....	16,000
Rolled steel pins, rivets and bolts.....	20,000
Wrought iron pins, rivets and bolts.....	15,000
Riveted steel beams (net flange section).....	15,000
Cast iron (sompresion side).....	16,000
Cast iron (compression side).....	16,000
Yellow pine	1,200
Oak	1,000
Hemlock	800

§ 112. Strength of Columns.

In columns or compression members with flat ends of steel, wood or cast iron, the stress shall not exceed the following in pounds per square inch of section:

Steel.

L		L
When—is greater than 70.....	S=17,100—57—	R
R		R
L		
When—is less than 70.....	S=13,000	
R		

Yellow Pine and Oak.

L		L
When—is greater than 12.....	S=1,000—10—	D
D		D
L		
When—is less than 12.....	S=1,000	
D		

Hollow Cast Iron.

For rectangular sections.....	$S = \frac{10,000}{1 + \frac{L^2}{1,067D^2}}$
For round sections.....	$S = \frac{10,000}{1 + \frac{L^2}{800D^2}}$
For other sections.....	$S = \frac{10,000}{1 + \frac{L^2}{6,400R^2}}$

S=Safe unit stress.

L=Length in inches.

R=Least radius of gyration in inches.

D=Least diameter or side.

No length exceeding 120 times the least radius of gyration shall be used for compression members.

Columns Eccentrically Loaded.

Any column eccentrically loaded shall have the stresses caused by such eccentricity computed, and the combined stresses resulting from such eccentricity at any part of the column, added to all other stresses at that part, shall in no case exceed the working stresses stated in this Code.

The eccentric load of a column shall be considered to be distributed equally over the entire area of that column at the next point below at which the column is securely braced laterally in the direction of the eccentricity.

§ 113. Safe Load on Wood Beams.

The safe carrying capacity of wood beams for uniformly distributed loads shall be determined by multiplying the area in square inches by its depth in inches and dividing this product by the span of the beam in feet. The safe load is this result multiplied by—

For hemlock and spruce.....	90
For oak	140
For yellow pine	150

§ 114. Factors of Safety.

When the unit stress for any material is not prescribed in this Code, the relation of allowable unit stress to ultimate strength shall be—

For metal subjected to tension or transverse strains..	1 to 4
For reinforced concrete	1 to 4
For timber	1 to 6
For natural or artificial stones and brick and stone masonry	1 to 10

Wherever working stresses are prescribed in this Code having the factors of safety given above, the said working stresses shall be used.

§ 115. Wind Pressure.

New buildings exposed to wind shall be made strong enough to resist a horizontal pressure in any direction of thirty (30) pounds per square foot of exposed surface, measuring the entire height of the building.

The additional loads caused by the wind pressure upon beams, girders, walls and columns must be determined by calculation and added to other loads for such members.

Special bracing shall be employed whenever necessary to resist the distorting effect of wind pressure.

In no case shall the overturning moment due to the wind pressure exceed fifty (50) per cent of the moment of the stability of the structure.

In buildings under one hundred (100) feet in height, provided the height does not exceed four (4) times the average width of the base, the wind pressure may be disregarded.

PART XVII.

IRON AND STEEL CONSTRUCTION.

§ 116. Skeleton-Constructed Buildings.

Where columns are used to support iron or steel girders carrying inclosure walls, the said columns shall be of cast iron, wrought iron, or rolled steel, and on their exposed surfaces be

constructed to resist fire by having a casing of brickwork not less than eight (8) inches in thickness on the outside surfaces, not less than four (4) inches in thickness on the inside surfaces, and all bonded into the brickwork of the inclosure walls.

Between the said inclosing brickwork and the columns, there shall be a space of not less than two (2) inches, which space shall be filled solidly with liquid cement grout as the courses of brickwork are laid.

The exposed sides of the wrought iron or steel girders shall be similarly covered in with brickwork not less than four (4) inches in thickness on the outer surfaces and tied and bonded, but the extreme outer edge of the flanges of beams or plates or angles connected to the beams, may project to within two (2) inches of the outside surface of the brick casing.

The inside surfaces of girders may be similarly covered with brickwork, or if projecting inside of the wall, they shall be protected by terra cotta, concrete or other fireproof material not less than four (4) inches in thickness.

Girders for the support of the inclosure walls shall be placed at the floor line of each story.

The skeleton steel frame of a building shall be independent from that of an adjoining building, and the frame of one building shall not be bolted or riveted in any manner to the frame of any other building.

Foundations of Structural Iron and Steel Columns.

Foundations of structural iron and steel columns shall be or Portland concrete and all such structural columns shall rest on either cast iron or steel bases, proportioned so as to distribute the entire load on the column safely to the concrete foundation. All columns shall be properly secured to the bases.

Framing.

Every portion of a steel skeleton shall be strong enough to carry the superimposed load without relying upon the walls inclosing the frame, and all structural members shall be connected continuously with riveted connections from the foundation to the top of the building.

All metal columns, girders and beams and all portions of the structural steel of the skeleton shall be so designed where possible, that all connections shall be accessible after erection, for the purpose of inspection, cleaning and painting.

§ 117. Steel and Wrought Iron Columns.

No main part of a steel or wrought iron column shall be less than five-sixteenths (5-16) of an inch thick, nor of less thickness than one thirty-second (1-32) of its unsupported width measured transversely between rivet centers.

No wrought iron or rolled steel column shall have an unsupported length of more than forty times its least lateral dimension or diameter, except as modified by Section 112 of this Code.

The ends of all columns shall be faced to a plane surface at right angles to the axis of the columns.

And the connection between them shall be made with splice plates.

The joint may be effected by rivets of sufficient size and number to transmit the entire stress, and then the splice plates shall be equal in sectional area to the area of column spliced.

When the section of the columns to be spliced is such that spliced plates cannot be used, a connection formed of plates and angles may be used, designed to properly distribute the stress.

End and intermediate stay plates are to have a thickness of not less than 1-40 of the unsupported width measured transversely between rivet centers.

End stay plates shall have a length not less than the greatest width of the member.

Intermediate stay plates are to have not less than four (4) rivets.

Lattice bars shall be proportioned to the size of the member.

They must not be less than:

Two inches in width for members nine inches or less in width.

Two and one-quarter inches in width for members nine inches to twelve inches in width.

Two and one-half inches in width for members twelve inches to fifteen inches in width.

Single lattice bars shall have a thickness not less than 1-40 of the distance between rivet centers connecting them to the member. Double lattice bars must be connected by a rivet at the intersection and be not less in thickness than 1-60 of the distance between rivet centers connecting them to the member.

Single lattice bars shall be inclined not less than 60 degrees to the axis of the member and double lattice bars at not less than 45 degrees to the axis of the member.

Steel and wrought iron columns shall be made in one, two or three story lengths, and the material shall be rolled in one length wherever practicable to avoid intermediate splices.

Where any part of the section of a column projects beyond that of the column below, the difference shall be made up by filling plates secured to column by the proper number of rivets.

Shoes of iron or steel, as described for cast iron columns, or built shoes of plates and shapes may be used, complying with same requirements.

§ 118. Cast Iron Columns.

The thickness of metal in cast iron columns shall be not less than one-twelfth (1-12) the greatest lateral dimension of cross section, but never less than five-eighths ($\frac{5}{8}$) of an inch.

No cast iron column shall be less than five (5) inches in diameter or least lateral dimension, nor shall exceed in height thirty times its least horizontal dimension without having lateral support.

All cast iron columns shall be of good workmanship and material, and shall be tested and inspected before being placed in position. They shall be drilled with two three-eighths inch test holes, one on the lower surface and one on the upper surface of the columns as cast. Such other test holes shall be bored as the Inspector of Buildings may deem necessary.

Wherever blowholes or imperfections are found in a cast iron column which reduces the area of the cross section at that point ten (10) per cent, such column shall be condemned.

All columns shall be faced at the ends to a plane surface at right angles to the axis of the column.

Columns shall be connected to each other by not less than four three-quarter inch bolts in each connection.

If the core of a column below a connection is larger than that above, the thickness of the metal in the top of the lower column shall be increased to make up the difference. This increased thickness shall be tapered down for a distance of not less than six (6) inches from the end of the column, or a joint plate of sufficient strength to distribute the load, may be inserted between the columns.

Every beam supported on the side of a cast iron column shall be carried on a bracket projecting out from the face of the column not less than three (3) inches. The depth of the bracket shall be not less than twice its projection, and it shall be strong enough to carry the full load of the beam.

The metal in brackets, lugs and flanges shall be not less than one (1) inch thick, and lugs and flanges shall be strengthened by fillets and three-quarter inch bracing ribs.

Iron columns shall not be set on wood in any building and in fireproof or semi-fire-proof building, they shall not be set in stone plinths where liable to be subjected to fire.

Iron or steel shoes or plates shall be used under the bottom tier of columns, when necessary to properly distribute the load on the foundation.

Shoes shall be planed on top.

§ 119. Party Wall Columns.

If iron or steel columns are to be used as party columns and intended for two buildings, then the said columns shall be not less in width than thickness of party wall, nor less in depth than the thickness of the wall to be supported above. Iron or steel columns in front of side, division or party walls, shall be filled up solid with masonry and made perfectly tight between the columns and walls. Intermediate columns may be used which shall be sufficiently strong and the lintels thereon shall have sufficient bearings to carry the weight above with safety.

§ 120. Cast Iron Lintels.

Cast iron lintels shall not be used for spans exceeding eight (8) feet.

Cast iron lintels or beams shall not be less than three-quarters ($\frac{3}{4}$) of an inch in thickness, and shall have not less than six (6) inches bearing on walls. They shall rest upon cast iron or steel plates of such dimensions that the safe load on walls shall not exceed those fixed by Section 108 of this Code.

§ 121. Floor and Roof Beams.

All floor and roof beams shall be full weight, straight, and free from defects.

When two or more beams are used together, they shall be connected by bolts and iron separators at intervals of not more than five (5) feet. All beams twelve (12) inches and over in depth, shall have at least two bolts to each separator.

The distance between tie rods in floors shall not exceed eight (8) feet and shall not exceed eight (8) times the depth of floor beams twelve inches and under.

The tie rods shall be not less than three-quarters of an inch in diameter, and shall have nuts at both ends.

Beams resting on girders shall be riveted or bolted to same. When beams are joined on a girder, tie straps shall be used.

The compression flange of plate girders shall be secured against buckling.

Stiffeners shall be provided over supports and under concentrated loads; they shall be of sufficient strength as a column to carry the loads and shall be connected with a sufficient number of rivets to transmit the stresses into the web plate.

Stiffeners shall fit so as to support the flanges of the girder.

§ 122. Rivets.

The distance from the center of a rivet hole to the edge of the material shall not be less than one and one-half (1 1-2) times the diameter of the rivet. Wherever possible, however, the distance shall be equal to two diameters.

All rivets wherever practicable, shall be machine driven. Rivets in connection shall be proportioned and placed to suit the stresses.

The pitch of rivets in structural work shall never be less than three (3) diameters of the rivet nor more than six (6) inches.

Gussets shall be provided wherever required, of sufficient thickness and size to accommodate the number of rivets necessary to make the connections.

Bolts.

No bolt shall be used in the connection of riveted trusses, excepting when riveting is impracticable, and then the holes shall be reamed in place and turned bolts used.

All field bolts carrying shear shall be provided with washers at least one-quarter ($\frac{1}{4}$) of an inch thick.

§ 123. Steel and Wrought Iron Trusses.

Trusses shall be of such design that the stresses in each member can be calculated.

All trusses shall be held rigidly in position by efficient systems of lateral and sway bracing. Any member of a truss subjected to transverse stress, in addition to direct tension or compression shall have the stresses coming on the member, and the total stresses thus formed shall in no case exceed the

working stresses stated in Sections 109, 110 and 111 of this Code.

For tension members, the actual net area only, after deducting rivet holes one-eighth of an inch larger than the rivets, shall be considered as resisting the stress.

If the axis of two adjoining web members do not intersect within the line of the chords, sufficient area shall be added to the chord to take up the bending strains, or the web members shall be connected by plates so arranged that the axis of the web members prolonged will intersect on the axis of the chord.

All compression members in pin-connected trusses shall be proportioned, using seventy-five (75) per cent of the permissible working stress for columns.

The heads of all eye-bars shall be made by upsetting or forging. No weld will be allowed in the body of the bar. Steel eye-bars shall be annealed. Bars shall be straight before boring.

All pin-holes shall be bored true, and at right angles to the axis of the members, and must fit the pin within one thirty-second ($\frac{1}{32}$) of an inch. The distances of pin-holes from center to center for corresponding members shall be alike, so that when piled upon one another, pins will pass through both ends without forcing.

Eyes and screw ends shall be so proportioned that upon test to destruction, fracture will take place in the body of the member. All pins shall be accurately turned.

Pin-plates shall be provided wherever necessary to reduce the stresses on pins to the working stresses prescribed in Sections 110 and 111 of this Code. These pin-plates shall be connected to the members by rivets of sufficient size and number to transmit the stresses without exceeding working stresses.

Pin-connected riveted tension members shall have a net section area through pin bolts of twenty-five (25) per cent in excess of the net section of the body of the member.

All rivets in members of pin-connected trusses shall be machine driven. All rivets in pin-plates which are necessary to transmit stress shall be also machine driven.

The main connections of members shall be made by pins. Other connections may be made by bolts.

§ 124. Painting of Metal Structural Work.

Where surfaces in riveted work come in contact with each other, they shall be painted before assembling.

Paint shall not be required for metal structural work, which is to be thoroughly imbedded in concrete or cement grout applied directly against the metal, except where surfaces in riveted work come in contact with each other.

All metal structural work that is not to be thoroughly imbedded in concrete or cement grout shall be cleaned of all scales, dust, dirt and rust, and thoroughly coated with at least one coat of suitable paint; after erection all such work shall be painted at least one additional coat.

Cast iron columns shall not be painted or covered until after inspection by the Department of Buildings.

All iron or steel used under water shall be enclosed with concrete.

PART XVIII.

CONCRETE AND CONCRETE BLOCK CONSTRUCTION.

§ 125. Reinforced Concrete Construction.

Design.

Before work is commenced upon any structure of reinforced concrete, complete drawings and specifications shall be filed in the office of the Inspector of Buildings showing all details of the construction, the size and position of all reinforcing rods, and the manner in which the materials composing the concrete are to be proportioned.

Strain Sheets and Computations.

Strain sheets and computations shall be filed and the static computations shall give the loads assumed separately such as dead and live loads (wind and impact, if any) and the resulting stresses.

The designs shall not be based upon any assumption or computation contrary to the established principles of statics and mechanics, and the unit stresses for any material entering into the construction, shall not exceed those provided for in this ordinance.

§ 126. Materials.

Portland cement and broken stone or gravel shall be used in all reinforced concrete.

Cinders shall not be used in concrete mixture, either for reinforced concrete or for fireproofing.

All materials shall meet the requirements of Sections 22 and 23 of this Code.

In beam, girder, floor and column construction, the broken stone shall be small enough to pass through a one inch ring and the concrete shall be mixed in the proportion of one part of cement and two parts of sand and four parts of broken stone or gravel.

§ 127. Forms.

All form work shall be substantial and unyielding and be tight to prevent the leakage of water, and put up in such a manner that it can be readily removed without disturbing the concrete.

Forms shall not be removed until after an inspection of the concrete to ascertain its hardness has been made. In general no form shall be removed in less than two (2) days after the concrete is placed, and shores under beams and girders must remain in place at least twenty (20) days. removed until all parts of the finished floor are strong enough to support themselves and the loads that may come upon them during construction.

§ 128. Columns.

No reinforced concrete column shall be longer in the clear than fifteen (15) times its least outside dimension in cross section.

Any column built above another and acting continuously with it, shall not at any point overhang the lower one.

The construction of a reinforced concrete column in a building shall commence upon the top of a finished floor or girder, and shall continue without interruption to the under side of the floor or girders next above.

Girders shall never be constructed over freshly formed columns without permitting a period of at least two hours to elapse, thus providing for settlement or shrinkage in the columns. Before resuming work, the top of the column shall be thoroughly cleansed of foreign matter and laitance. If the concrete in the column has become hard, the top shall also be drenched and slushed with a mortar consisting of one part Portland cement and not more than two parts fine aggregate before placing additional concrete.

The reinforcing bars shall be securely held in exact position while the concrete is being laid.

The concrete shall cover the reinforcing bars at all points at least one and one-half ($1\frac{1}{2}$) inches, and in calculating the strength of a reinforced concrete column, this outside one and a half inches of concrete shall not be counted as a part of the section of a column.

Reinforced concrete columns must contain at least four (4) vertical steel bars on square columns. They shall be placed at the corners. In any case, the reinforcement shall be near the perimeter.

All such vertical bars shall be connected and prevented from spreading by hoops made of wire, rods or bars, spaced not more than twelve (12) inches apart.

The hoops must be firmly fastened to the bars by wiring.

Where columns are greater than eighteen (18) inches wide, a greater number of bars shall be used, so that the spacing on the edge of the column shall not be greater than sixteen (16) inches apart.

In all cases, reinforced columns must contain at least one per cent of vertical steel and must in all cases have a positive means of confining the concrete and steel, either by spiral reinforcement, or hoops encasing the vertical bars.

Where more than four (4) bars occur in a column, the additional bars must be hooped independently from the hoops enclosing the corner bars.

Beams and Slabs.

The span length for beams and slabs shall be taken as the distance from center to center of supports, but shall not be taken to exceed the clear span plus the depth of beams or slab.

Brackets shall not be considered as reducing the clear span in the sense here intended.

§ 129. T Beams.

In beam and slab construction, an effective bond shall be provided at the junction of the beam and slab. When the principal slab reinforcement is parallel to the beam, transverse reinforcement shall be used extending over the beam and well into the slab.

When adequate bond between slab and web of beam is provided, the slab may be considered as an integral part of the beam, but its effective width shall be determined by the following rules:

(a) It shall not exceed one-fourth of the span length of the beam.

(b) Its overhanging width on either side of the web shall not exceed four times the thickness of the slab.

In the design of T beams acting as continuous beams, due consideration should be given to the compression stresses at the support.

The dimensions of a beam or girder and its reinforcement shall be determined and fixed in such a way that the strength of the metal in tension shall measure the strength of the beam or girder. If the concrete in compression including the allowable concrete in adjoining floor construction does not afford sufficient strength for that purpose, the compression on side of the beam or girder in question shall also be reinforced with metal.

A beam or girder carrying a concentrated load shall be reinforced if necessary for shear.

Neither the reinforcing metal nor the concrete shall be subjected to combined stresses so as to exceed in combination the stresses allowable separately.

Wherever possible, beams and girders and also their intermediate floor construction shall be made continuous. Reinforcing metal shall be used for that purpose in the top of all connecting members at the point of support, and shall be sufficient both in section and length to prevent fracture at the point of support when the connecting members are carrying twice their full calculated load.

§ 130. Floor Slabs.

No floor slab shall be less than four (4) inches thick.

The reinforcing metal in the bottom of a floor slab may be deflected to the top of the slab along the line of support, or separate reinforcing material may be used for the reinforcement in the top of the slab. In either case, however, if a part of the slab is considered as a part of the beam or girder, the reinforcing material used in the slab must cross the full width both of the beam or girder and the part of the slab so considered. In all cases, the rods, bars, or strands of such reinforcement shall be not more than ten (10) inches apart.

Floor slabs shall be designed and reinforced as continuous over the supports. If the length of the slab exceeds 1.5 times its width, the entire load shall be carried by transverse reinforcement; square slabs may well be reinforced in both directions.

In floors reinforced in two directions, the reinforcement over the supports may be limited to the middle half of the support.

Deformed bars must be imbedded at least thirty (30) times their diameter and plain bars forty (40) times their diameter where the full strength of the bar is to be developed. Where this distance cannot be obtained, the bar must be hooked with a six inch hook, and if this is not sufficient, a stub must be placed in the hook.

In no case shall steel be lapped or spliced except over the supports.

All tension bars for reinforcing positive bending moments between supports must run the full length of the beam and extend into the support. No welds will be allowed.

Turnbuckles or sleeve nuts properly designed may be used.

Where floor slabs are supported by a brick or stone wall, they must have at least four (4) inches bearing, and the floor steel must run in the full four inches.

Where concrete floors are to be used without being covered with some other wearing surface, a cement finish of at least one part cement to two parts sand and at least one-half of an inch thick must be firmly bonded to the structural concrete, and in no case shall this finish be considered a part of the structural thickness of the floor slab, but must be allowed entirely for wearing surface.

Protection of Metal.

In reinforced beams and girders, all main bars must have at least one and a half inches of concrete protection, and stirrups or prongs one-half inch.

In slabs the main tension reinforcement must have at least one inch concrete protection.

§ 131. Assumption in Designs.

The design of any reinforced concrete structural member shall be based upon the following assumption:

Internal Stresses.

(1) The modulus of elasticity of concrete in compression within the usual limits of working stresses is constant.

(2) The tensile strength of concrete shall not be considered, but the steel shall take all the tensile stresses

(3) The bond between the concrete and the steel is sufficient to make the two materials act together as a homogeneous solid.

(4) The ratio of the modulus of elasticity of steel to the modulus of elasticity of concrete shall be taken at fifteen.

(5) The strain in any fiber is directly proportionate to the distance of that fiber from the neutral axis.

§ 132. Working Stresses.

The following working stresses shall be taken for static loads. Proper allowances for vibration and impact shall be added to live loads when necessary to produce an equivalent static load before applying the unit stresses in proportioning parts.

The compression strength of the concrete shall be not less than 2,000 pounds per square inch in twenty-eight days, tested in cylinders eight inches in diameter and sixteen inches long under laboratory conditions of manufacture and storage using the same consistency as in the field.

On the basis of 2,000 pounds ultimate strength, the working stress in direct compressing will be taken at 650 pounds per square inch.

(1) Compression on columns with longitudinal reinforcement only—450 pounds per square inch.

(2) Columns with reinforcement of bands or hoops—540 pounds per square inch.

(3) Columns reinforced with not less than one per cent and not more than four per cent of longitudinal bars and with bands or hoops—650 pounds per square inch.

(4) Columns reinforced with structural steel column units, which thoroughly encase the concrete core—650 pounds per square inch.

Compression in Extreme Fiber.

The maximum allowable stress in bending on concrete in compression shall be 650 pounds.

Shear.

The maximum allowing stress on concrete in shearing shall be 50 pounds.

Reinforcement.

The tensile stress in steel shall not exceed 16,000 pounds.

The compression stress in reinforcing steel shall not exceed 16,000 pounds, or fifteen times the working compression stress in the concrete.

§ 133. Design May be Varied.

If the builder desires to use a system not covered by or varying from the above conditions as to design, he shall submit to the Inspector of Buildings plans and specifications, giving in detail the construction and formulas he uses in his design, and they shall be such as can be checked properly and kept on record by the Department of Buildings.

The builder shall then make a destruction test, or present evidence satisfactory to the Inspector of Buildings, that such test has been made with full particulars of the result of said test. If said test shows that based on the specifications submitted the construction has a factor of safety of four (4) on the total dead and live load, the said system may be used in accordance with said specifications.

§ 134. Concrete Blocks.

Hollow concrete building blocks may be used for buildings three stories or less in height where said blocks conform to the requirements of this Code, provided however, that such blocks shall be composed of at least one part of Standard Portland cement and not to exceed three parts clean, coarse, sharp sand or gravel, and five parts of crushed rock or other suitable aggregate.

The hollow spaces or recesses in such blocks shall not exceed one-half its area, and the height shall not exceed four and a half times the thickness of the web.

The thickness of walls for any building where hollow concrete blocks are used may be 10 per cent less than is required by law for brick walls.

Where the face only is of hollow concrete building block, and the backing is of brick, the facing of hollow concrete blocks must be strongly bonded to the brick, either with headers projecting four inches into the brickwork, every fourth course being a heading course, or with approved ties: no brick backing to be less than eight inches. Where the walls are made entirely of hollow concrete blocks, but where said blocks have not the same width as the wall, every fifth course

shall extend through the wall forming a secure bond. All walls where blocks are used shall be laid up in cement mortar.

All hollow concrete building blocks before being used in the construction of any building in the City of Louisville, shall have attained the age of at least three weeks.

Wherever girders or joists rest upon walls so that there is a concentrated load on the block of over two tons, the blocks supporting the girder or joists must be made solid. Where such concentrated load shall exceed five tons, the blocks for two courses below and for a distance extending at least eighteen inches each side of said girder, shall be made solid. Where the load on the wall from the girder exceeds five tons, the blocks for three courses beneath it shall be made solid with similar material as in the blocks. Wherever walls are decreased in thickness, the top course of the thicker wall to be solid.

No blocks shall be used that have not an average crushing strength of 1,500 pounds per square inch of area at the age of twenty-eight days.

All piers and buttresses that support loads in excess of five tons, shall be built of solid concrete blocks for such distance below as may be necessary for safe bearing strength. Concrete lintels shall be reinforced by iron or steel rods in a manner necessary for safety, and any lintels spanning over four feet six inches in the clear, shall rest on solid concrete blocks.

Provided, that no hollow concrete building blocks shall be used in the construction of any building in the City of Louisville, unless the brand or mark or identification has been impressed in, or otherwise permanently attached to each block for the purpose of identification; said brand or mark to contain the name of the manufacturer and date that said block was made.

The Inspector of Buildings may require full tests to be made of samples selected from the open market or from material actually going into construction, when in his opinion there is a doubt as to whether the product is up to the standard of these regulations. Such tests must be made by some laboratory of recognized standing.

Such tests shall be at the expense of the manufacturer or user of such concrete blocks.

The Inspector of Buildings may also require tests of absorption and the percentage of absorption (being the weight of water absorbed divided by the weight of the dry sample) must not average higher than 7 per cent and must not exceed 10 per cent.

The names of the persons, firms or corporations and the responsible officers thereof must be placed on file with the Building Department, and changes of same promptly reported in order that the blocks manufactured by such persons, firms or corporations may be used in the City of Louisville.

PART XIX.

SIGNS.

§ 135. Permits.

A permit must be obtained from the Department of Buildings to erect a sign of any description.

All permits for signs which are to project over any sidewalk or public way shall be subject to the approval of the Board of Public Works.

No sign shall be supported from the sidewalk or from a point outside the sidewalk.

Signs may be carried upon the front of a building, but no sign, except an electric sign, as provided in Section 138 hereof, shall project from any building and over any public way of the City of Louisville.

No wood sign more than two (2) feet in width shall be erected on any building.

Every sign more than twenty (20) feet above the sidewalk shall be made entirely of metal.

§ 136. Roof Signs.

No sign shall be placed on a roof of any structure, except it be constructed of metal, and such construction shall be of open mesh work and entirely approved in construction and fastenings by the Inspector of Buildings.

§ 137. Sign or Bill Boards.

No signs or bill boards erected on uprights, or any other supports extending to the ground shall be at any point more than twelve (12) feet above the surface of the ground, and shall be properly supported and braced.

There shall be an open space of six (6) feet between each bill board and any adjoining structure.

There shall be an open space not less than two (2) feet between any two bill boards.

No bill board shall exceed five hundred (500) square feet in area.

All signs which are dangerous in any manner whatever, shall be repaired and made safe, or taken down by the owner.

Nothing herein contained shall prevent the owners or operators of any open air place of amusement or ball park, wholly surrounded by streets, vacant grounds or railroad rights of way from erecting or maintaining suitable screens about the same in accordance with plans approved by the Inspector of Buildings, or from displaying advertising matter on such screens.

The foregoing paragraphs of this section shall apply to existing bill boards.

§ 138. Electric Signs.

(1) Permits for signs shall be granted only upon the basis of representations, made by drawings and specifications in ink indicating the location, quality of material and workmanship, full dimensions in figures, manner of fastening the sign to the structure, actual weight including all fixtures, and the number and candle power of the lights and their location on the sign. These representations shall be made by a written application on blanks furnished by Building Inspector, signed by the owner or tenant of building and by the erecting contractor.

(2) All signs shall be of metal or other approved incombustible material. All signs shall be properly stayed, bolted and anchored with proper supports of metal. Metal work shall not be secured by driving the same into joints of masonry, or into wedging or wooden blocks. In the case of masonry, connections shall be made by expansion bolts inserted not less than four (4) inches, or by bolting through the wall. Expansion bolts shall be thoroughly and properly cemented or leaded into the drilling part of the masonry.

(3) No sign shall project beyond the curb, or more than nine (9) feet beyond the property line, or be more than four (4) feet wide or be less than nine (9) feet above the sidewalk.

(4) No sign except a vertical sign shall weigh more than four hundred (400) pounds, including all attachments.

(5) Vertical signs weighing more than four hundred (400) pounds may be permitted. All vertical signs must be located in the middle one-third of the building, except that where a

house is on a corner, a vertical sign may also be located in the outer third.

(6) Every sign shall have one visible lamp of four (4) candle power for every one and one-quarter square feet of each side of the sign surface. No sign shall be allowed which has a total of less than 20 lamps of four-candle power each. If lamps of less candle power are used, the number of lamps shall be proportionately increased.

(7) Both sides of all signs shall be equally illuminated until 10 o'clock each night, for not less than six nights per week.

(8) Signs shall not obstruct or be attached to any part of a fire escape, and where a sign is hung near any fire escape, it shall be arranged to swing away from such fire escape.

PART XX.

FIREPROOF CONSTRUCTION.

§ 139. Foundation and Walls.

All foundations, retaining walls, bearing walls, and piers in fireproof buildings, shall be made of brick or stone laid in cement mortar, or of concrete, plain or reinforced, or of iron or steel columns and beams enclosed in brick, tile, or concrete masonry. Wood shall not enter into their construction.

Floors and Roofs.—Floors and roofs shall be constructed of beams made of steel or of reinforced concrete properly spaced and tied and spanned with arches or slabs made of fire-resisting materials, and of sufficient strength to carry the loads for which they are designed.

Partitions.—Fireproof partitions subdividing the space on the floor of a fireproof building may be built of steel or iron uprights not more than 16 inches on centers, lathed with metal lath and plastered both sides to a thickness of not less than one and three-quarter inches, or they may be built of hollow burnt clay, or other incombustible hollow building blocks. To provide foundation for wood door and window trim or other wood interior finish, wood frames may be set up in the partition for the openings and narrow wood strips may be built in for other wood finish. Partitions subdividing space on the floor of a fireproof building (the arrangement of which may be changed) may be set upon the wood floor.

The flooring may be of wood not exceeding one and one-eighth inches in thickness, nailed to wood sleepers not exceeding two inches by four inches, imbedded in concrete to the under side of flooring.

The interior finish, window frames, sash and doors may be of wood.

No window opening on a side next to an alley or other side not on a street below the eighth story of a fireproof building shall have either wood frames or sash, but shall have metal frames and sash with wire glass.

Stairs.—The stairs and staircase landings shall be constructed of brick, stone, concrete, iron or steel or a combination of these materials.

In all fireproof buildings other than stores, warehouses and factories, if exceeding three stories or forty feet in height, the stair halls shall be inclosed on each story with fireproof material same as required for elevators to so form an enclosure, the floor area of which shall not be more than three times the united area of the floor openings for the elevators and stairs.

§ 140. Fireproof Shutters and Doors.

Every building, except private dwelling houses, churches, hotels, lodging houses, apartment houses, tenements, schools and other places of public assembly, shall have fireproof doors, blinds or shutters hinged to wrought iron eyes built into the wall on every exterior window and opening above the first story thereof; excepting on the front openings of buildings fronting on streets or where no other buildings are within fifty feet of such openings.

The said doors, blinds or shutters shall be of standard construction, that is, constructed of pine or other soft wood of two or three thicknesses (depending on size) of matched boards, clinch-nailed at right angles or placed diagonally with each other and securely covered with tin on both sides and all edges with folded lapped joints, the nails for fastening the same being driven inside the lap; the hinges and bolts or latches shall be secured or fastened to the door or shutter by wrought iron bolts passing through the door or shutter and secured by nuts and washers on the opposite side after the same has been covered with the tin, and such doors and shutters shall be hung upon a wrought iron frame independent of the woodwork of the windows and doors, or to wrought iron hinges securely fastened in the masonry.

All windows and doors in a wall of any building built upon a party line above the roof of an adjoining building, shall likewise be protected with fire shutters.

All outside fireproof shutters must be closed at night, and any person, firm or corporation failing to keep closed at night time any outside fireproof shutter on any building owned or occupied by said person, firm or corporation, shall be deemed guilty of a misdemeanor and on conviction shall be fined not less than ten or more than one hundred dollars for each offense, and each night said fireproof shutters are not so closed shall be deemed a separate offense, provided that where such building to which said outside fireproof shutters are attached is a factory or other building being operated in the same manner at night time that it is operated in the day time, then said penalty shall not be enforced.

§ 141. Metal Window Frames and Sash and Wire Glass.

On any opening where the window frame and sash are of metal and the sash are glazed with wire glass not less than one-quarter of an inch in thickness, and each pane measuring not more than seven hundred and twenty square inches, the same shall be deemed an equivalent of and a substitute for fireproof shutters.

§ 142. Shutters Arranged to be Opened from the Outside.

All shutters opening on fire escapes, and at least one row vertically in every three vertical rows on the front window openings above the first story of any building, shall be so arranged that they can be readily opened from the outside by firemen.

Rolling Metal Shutters.—No rolling iron or steel shutters shall be hereafter placed above the first story of any building, and when used on the first story they shall be counterbalanced so that said rolling shutters may be readily opened by the firemen.

§ 143. Fireproof Floor Fillings Between Beams.

Between the wrought iron or steel floor beams may be placed arches made of brick or of hollow tile of hard-burnt clay, semi-porous terra cotta of uniform density and hardness of burn, or the space between the beams may be filled with arches of Portland cement concrete, plain or reinforced, but in any case, detail plans and strain sheets shall be submitted

to the Inspector of Buildings showing the details of proposed construction, and no material in any part of the design shall be subjected to a greater working stress than is prescribed in part XVI of this Code.

The Inspector of Buildings may require that an actual test be made of the proposed floor construction, such test to be made under his supervision and at the expense of the owner or contractor, and the floor construction be subjected to a fire test under a maximum floor load.

Duly authenticated records of tests heretofore made of any system of fireproof floor filling and protection of the exposed parts of the beams may be presented to the Inspector of Buildings, and if the same be satisfactory to said inspector, it shall be accepted as conclusive.

§ 144. Incasing Interior Columns.

All cast iron, wrought iron or rolled steel columns, including the lugs and brackets on same used for vertical supports in the interior of any fireproof building, or used to support any fireproof floor, shall be entirely protected with not less than four inches of hard-burned brickwork, terra cotta, concrete or other fireproof material, without any air space next to the metal, securely applied; but no plaster of paris or lime mortar shall be used for this purpose, nor shall any plaster, whether or not on metal lathing, be considered a part of the covering required.

No single block or unit of insulating material used for column covering shall have a greater vertical dimension than six inches when placed in position, nor shall the shells and webs of hollow tile or terra cotta blocks be less than five-eighths inches in thickness, and these blocks shall be laid up with Portland cement mortar, and the said blocks be suitably tied or anchored together.

The extreme outer edges of lugs, brackets and similar supporting metal may project to within seven-eighths of an inch of the surface of the fireproofing.

The fireproof coverings shall start upon the fireproof floors and continuously extend to the fireproof ceilings or underside of girders above and be entirely independent of any ornamental base or capital.

No pipes, wires or conduit of any kind shall be incased in the fireproofing surrounding any column, girder or beam of steel or iron, but shall be placed outside of such fireproofing.

Where the fireproof protection of columns is exposed to damage from the trucking or handling of merchandise, such

fireproof protection shall be jacketed on the outside for a height not less than four feet from the floor with sheet metal or with vertical strips of oak; and if the oak be used for such purpose the vertical strips shall be sufficiently separated from each other always to show that the woodwork of the guard has been placed entirely on the outside of the fireproof material which incases the metal column.

§ 145. Incasing Exposed Sides and Bottom and Top Plates and Flanges of Girders and Beams.

The exposed sides of wrought iron or rolled steel girders, supporting walls, iron or steel floor beams or supporting floor arches of floors shall be entirely incased with hard-burned clay, porous terra cotta, concrete or other fireproof material not less than four inches in thickness, and the bottom and top plates and flanges of such girders shall have not less than two inches in thickness of such insulating material.

The bottom and top plates and flanges of all wrought iron or rolled steel floor and roof beams, and all exposed portions of such beams below the abutments of floor arches or filling between the floor beams shall be entirely incased with hard-burned clay, porous terra cotta, concrete or other fireproof material, such incasing material to be not less than two inches in thickness.

All incasing material to be securely attached to the girders and beams.

The shells and webs of hollow tile blocks shall be not less than five-eighths of an inch in thickness, and shall be laid up with Portland cement mortar, and the said blocks be suitably tied or anchored together.

§ 146. Incasing Interior Columns and Girders in Non-Fireproof Buildings.

In all non-fireproof buildings where iron or steel structural members are incorporated in the construction of the building, said iron or steel columns, girders, beams and other structural metal members shall be incased as before described in this Code, except that the thickness of such insulating material may be not less than two inches.

The entire steel construction of roofs supported by trusses over large rooms may be uncovered, but no such roof framing shall be uncovered, if the room is used for the sale or storage of materials.

PART XXI.

FIRE LIMITATIONS.

§ 147-a. Fireproof Buildings.

Unless otherwise specified in this Code, buildings will be considered of fireproof construction when they are built throughout of incombustible material, with the exception of the floor covering, interior finish and window frames.

No frame, veneered or iron-clad building shall be built within the fire limits of the city of Louisville, except temporary sheds provided for in section 20 of this Code. No existing frame structure within the fire limits shall be altered or repaired except as provided for in section 19 of this Code.

All tenement or apartment houses within or without the fire limits, if more than three stories and a basement in height, shall be of fireproof construction.

Every building more than 85 feet in height, shall be of fireproof construction.

Every hospital, infirmary, asylum, school house, public hall and hotel over two stories in height, shall be fireproof throughout.

All public automobile garages shall be fireproof.

All theaters, opera houses, rooms for moving picture shows or other places of amusement, with a seating capacity of 500 or more, shall be constructed of fireproof material throughout, except the stage proper, which may be of wood.

All smokehouses hereafter to be built shall be constructed fireproof throughout. If they open into any other buildings, such openings shall have iron-covered doors.

The basement of every non-fireproof building over two stories and basement in height hereafter altered or erected in the city of Louisville, and used as an apartment or tenement house, shall be made fireproof as required for fireproof buildings. The floor construction over the basement shall be fireproof, and if the story above the basement is used for a store or for other general purposes, or for offices, both the basement and the first story with the floor above the first story shall be made fireproof.

The cornice of all three or more story buildings, if of wood, shall be covered with metal or otherwise thoroughly protected from fire.

§ 147-b. Fire Limits.

The Fire Limits of the city of Louisville shall be as follows: Commencing at the center line of Jackson street, from center line of Fulton street to center line of Jefferson street; thence on the center line of Jefferson street to center line of Floyd street; thence on center line of Floyd street to center line of Green street; thence on center line of Green street to center line of Second street; thence on center line of Second street to center line of Broadway; thence on center line of Broadway to center line of Fifth street; thence on center line of Fifth street to center line of Walnut street; thence on center line of Walnut street to center line of Seventh street; thence on center line of Seventh street to center line of Grayson street; thence on center line of Grayson street to center line of Tenth street; thence on center line of Tenth street to center line of Congress alley; thence on center line of Congress alley to center line of Twelfth street; thence on center line of Twelfth street to center line of Market street; thence on center line of Market street to center line of Fifteenth street; thence on center line of Fifteenth street to center line of Main street; thence on center line of Main street to center line of Sixteenth street; thence on center line of Sixteenth street to center line of Bank street; thence on a line parallel with Seventeenth street to center line of Portland avenue; thence on center line of Portland avenue to center line of Fourteenth street; thence on center line of Fourteenth street to Water front; thence on Water front to First and Fulton streets; thence on center line of Fulton street to Jackson street, to point of starting.

Nothing herein shall be construed as prohibiting the city from establishing other Fire Limits from time to time by suitable ordinances.

PART XXII.

FIRE APPLIANCES.

§ 148. Stand Pipes.

All buildings exceeding a height of seventy-five (75) feet shall be equipped with stand pipes, one for each division of the building, or one for each ten thousand (10,000) square feet or fraction thereof, or for each end street front.

Such stand pipes shall not be less than four (4) inches in diameter for houses not exceeding one hundred and twenty-five (125) feet in height, and six (6) inches in diameter for houses exceeding one hundred and twenty-five (125) feet in height, except that where existing buildings are now equipped with stand pipes, the diameter may be three (3) and four (4) inches respectively, but the number of stand pipes must conform with the above requirements.

All stand pipes shall be of wrought iron or galvanized steel, and together with fittings and connections, shall be of such strength as to safely withstand three hundred (300) pounds of water pressure to the square inch when installed ready for service, without leaking at the joints, valves, or fittings, and they shall be located in such a position in the building that the fire within any room in the building will not overheat the same, and where they are easily accessible in any public portion of the building. If placed in closets or shafts, the doors to the same shall not be locked.

§ 149. Hose Connections.

All stand pipes shall extend from the cellar to and through the room with a hose connection located from four (4) to six (6) feet above the floor level, fitted with approved straightway composition valves in each story, including the cellar; also a hose connection provided above the roof with the valve controlling the same located so that it can be operated either from above or below the roof. A suitable three-quarter of an inch drain pipe and valve shall be provided for draining the connection above the roof.

Hose sufficient to reach to all parts of the floor shall be attached to each outlet in the building, and hose for the roof hydrant shall be placed in the top floor near the scuttle leading to the roof. Such hose shall be at least two and one-half inches in diameter, in fifty (50) foot lengths, and provided with standard couplings at each end; however, one inch connections and those in addition to the above is permitted.

All couplings are to be the same hose thread as that in use by the Fire Department. Such hose shall be linen or cotton rubber lined, or rubber.

All hose shall be examined once a year and certified by the Fire Department.

§ 150. Steamer Connections.

All stand pipes shall be provided with a Siamese steamer connection located on the outside of the building and of easy access to the Fire Department. The inlet pipe from the steamer connection to the stand pipe shall not be less in diameter than the largest stand pipe. The Siamese steamer connection shall be provided with check valves in the Y and substantial brass or gun metal caps provided to protect the thread on the connection.

All portions of the Siamese connections or stand pipes that are in danger of freezing shall be provided with a drip pipe and valve for the purpose of draining the same.

In addition to the provisions for steamer connections to stand pipes, the water supply may be from city water where the pressure is sufficient, automatic fire pump of five hundred (500) gallons or more per minute, elevated tank or steel pressure tank of not less than five thousand (5,000) gallons capacity.

In all buildings coming under these regulations as to height which are occupied for sleeping purposes, such as hotels, lodging houses, hospitals and asylums, the stand pipe system must have at least one of the automatic supplies heretofore described.

Where such stand pipe is connected to a tank, there shall be a straightway check valve in the horizontal section of the pipe between the first hose outlet below the tank and the tank. Such tank must be filled by a separate pipe and not through the stand pipe, and where such tank is used for the house, the house supply shall extend into the tank to such a height as will reserve not less than thirty-five hundred (3,500) gallons of water for fire purposes.

Where pumps constitute a supply to stand pipes, they shall be placed not less than two (2) feet above the floor level, and the boilers upon which the pumps depend shall be so arranged that the flooding of fires under the same will be impossible.

§ 151. Dry Cleaning Buildings.

Dry cleaning buildings must be equipped with steam pipes running around the said building at the floor line, and also at the ceiling. From these steam pipes there shall be openings or jets set at least every twelve (12) inches from center to center, and to graduate in size from one-eighth to three-eighths of an inch. This steam system shall be controlled by a valve

located at least ten (10) feet outside of said dry cleaning building.

§ 152. Sprinkler Pipes in Basements and Cellars of Mercantile and Manufacturing Buildings.

In such buildings as are used or occupied for mercantile and manufacturing purposes there shall be provided in addition to said stand pipe or stand pipes an approved system of automatic sprinklers placed at the ceiling of each story below the first or grade floor and extending to the full depth and breadth of the building.

Said sprinkler pipes shall be connected with a pipe of not less than four inches in diameter leading to the outside of building and there provided with an approved Siamese steamer connection, latter to be installed under requirements set forth in this Code, and to be under the control and for the use of the Fire Department.

A suitable iron plate with raised letters shall be securely attached to the wall near said steamer connection, reading "Cellar Sprinklers" (where sprinklers are installed in cellars only) and reading "Automatic Sprinklers" where the entire building is so protected.

PART XXIII.

FIRE ESCAPES.

§ 153. Fire Escapes to be Erected.

Every building three or more stories high used as a hotel, office building, theater, lodging house, apartment house, tenement or for manufacturing purposes shall have at least one fire escape and as many more as may be necessary for safety.

Every apartment and tenement house more than three stories high, having apartments for two or more families on one floor shall have a fire escape for each vertical series of such apartment.

The location of fire escapes shall always be subject to the approval of the Inspector of Buildings.

All fire escapes which are not constructed on public streets and alleys shall connect at the bottom on the groundlevel to open passageways, connecting to streets or alleys and such

passageways shall be maintained without doors or gates as the Inspector of Buildings may direct.

All outside fire escapes must extend from the second floor balcony to the top of the building, and the second floor balcony must be connected with the ground by swinging steps or some device approved by the Inspector of Buildings.

All window frames and sash or doors opening on to fire escapes required under this ordinance shall be made of metal, or wood covered with metal, and glazed with wire glass.

§ 154. Balconies.

The balcony shall not be less than three feet in width. They shall not be above nor more than nine inches below the opening. They must in all cases where practicable, cover two windows and extend not less than nine inches beyond the side of any such window. The landing at the head and foot of each stairway shall not be less than twenty-four inches long; the opening in the platform shall be sufficiently long to provide clear head room.

§ 155. Brackets.

The platforms shall be supported by cantilever construction or by brackets. The top chord of the bracket shall extend entirely through the wall and be turned down three inches, or be properly secured by nuts and four inch square washers at least three-eighths of an inch thick.

On new buildings the brackets shall be set as the walls are being constructed; on old buildings, holes shall be drilled through the walls to take the top chord. These brackets shall be not less than one-half inch by one and three-fourths inches wrought iron placed edgewise, or one and three-fourths inches angle iron one-fourth inch thick, well braced. They shall be not more than four feet apart and shall be braced by means of not less than three-fourths of an inch square wrought iron, and shall extend three-fourths of the width of the respective balcony or bracket. The bottom end of these braces shall be fastened into the wall at a distance below the bracket of not less than eighteen inches.

§ 156. Floor of Balconies.

The floors of balconies shall be of wrought iron or steel slats not less than one and a half inches by three-eighths of an inch, placed not more than one and one-quarter inches apart,

and well secured and riveted to iron battens one and a half inches by three-eighths of an inch, not over three feet apart and riveted at the intersections.

The openings for stairways in all balconies shall be not less than twenty-one inches wide and thirty-six inches long, and such openings shall have no covers of any kind.

The platforms or balconies shall be constructed and erected to safely sustain in all their parts a safe load at a ratio of four to one, of not less than eighty pounds per square foot of surface.

§ 157. Railings.

The outside top rail shall extend around the entire length of the platform and in all cases shall go through the wall at each end, and be properly secured by nuts and four inch square washers at least three-eighths of an inch thick, and no top rail shall be connected at angles by cast iron. The top rail of balconies shall be one and one-quarter inch angle iron one-quarter inch thick. The bottom rails shall be one and one-half inches by three-eighths of an inch wrought iron or steel, or one and a half inch angle iron one-quarter inch thick, well leaded into the wall. The standards or filling-in bars shall be not less than one-half inch round or square wrought iron or steel, well riveted to the top and bottom rails and platform frame. Such standards or filling-in bars shall be securely braced by outside brackets at suitable intervals, and shall be placed not more than six inches from centres; the height of railings shall in no case be less than two feet nine inches.

§ 158. Stairways.

The stairways shall be constructed and erected to fully sustain in all parts a safe load at a ratio of four to one of not less than one hundred pounds per step, with the exception of the tread which must safely sustain at said ratio a load of two hundred and fifty pounds.

The treads shall be flat open treads not less than six inches wide and with a rise of not more than nine inches.

The stairs shall be not less than twenty inches wide.

The stringers shall be not less than three-inch channels of iron or steel, or other shape equally strong, and shall rest upon and be fastened to a bracket, which shall be fastened through the wall as herebefore provided.

The stringers shall be securely fastened to the balcony at the top, and the steps in all cases shall be double-riveted or bolted to the stringers.

The stairs shall have three-quarter inch hand-rails of wrought iron, well braced.

The inclination of the stairs shall never exceed sixty degrees.

§ 159. Drop Ladders.

A proper drop ladder at least seventeen inches wide may be used when it is not practicable to use a counterbalanced stairs. Rungs shall be made of three-quarter of an inch square iron, spaced fourteen inches center to center.

§ 160. Painting.

All the parts of such fire escapes shall receive two coats of paint, one in the shop and one after erection.

§ 161. Inside Stairways.

Inside stairways entirely enclosed by fire walls, and having a location approved by the Inspector of Buildings, may be used instead of outside fire escapes.

§ 162. Other Forms of Fire Escapes.

Any form of fire escape equal in safety and efficiency to those above mentioned may be used.

PART XXIV.

ELEVATORS—HOISTWAYS—DUMBWAITERS.

§ 163. Permit for Erection of Elevators.

It shall be unlawful for any person or persons, company or corporation to construct, erect or place, or to cause to be constructed, erected or placed in any building or structure, erected or in the course of erection, any elevator to be used for carrying passengers or freight from one floor to another without first having obtained from the Inspector of Buildings a permit therefor.

Before the Inspector of Buildings shall issue such permit for the erection, construction, or use of such elevator, there

shall be filed in his office as a matter of record, plans and specifications showing the proposed method of installation.

Certificate of Inspection.—It shall be the duty of every person owning, controlling, operating or using, as owners, lessees or agents, of any passenger or freight elevator (or passenger and freight elevator), within the limits of the city of Louisville, to expose to the public view in the elevator car or platform a certificate of inspection as issued by this department.

Inspection Records.—The Inspector of Buildings shall cause to be kept a proper record of all notices, certificates of inspection, etc., issued in connection with the elevators in the city of Louisville; such inspections shall be made by properly appointed inspectors, under his supervision, and in accordance with the ordinance covering the proper installation and repairs to all classes of elevators as hereinafter mentioned in this ordinance.

Unlawful to Run Elevators Without Certificate of Inspection.—It shall be unlawful to run or operate any elevator without first having obtained the proper certificate from the **Building Inspector's office**. Any one guilty of operating an elevator without such certificate will be liable to the fines as imposed under this ordinance.

Care of Elevators—Every owner, lessee or agent shall require the person in charge of the running of the elevator to carefully examine all the appliance once every twenty-four (24) hours, and upon the discovery of any defects tending to endanger life, the elevator shall be shut down at once and the Inspector of Buildings notified of the condition of the elevator. The use of any such defective elevator shall be prohibited until the necessary repairs to make it safe have been made.

§ 164. Elevator Enclosures.

The hatchways for all elevators in fireproof office buildings, or hotels, shall be guarded and protected by at least grill work on all exposed sides, at least seven (7) feet high. The front of the hatchway shall be inclosed by this grill work, the full width of same and extending the full height from the floor to the ceiling. The entrances or doorways shall be fitted with sliding doors having rollers and track of substantial construction, and fitted with locks so arranged that they cannot be opened from the outside except by the use of a key.

Enclosures for hatchways in buildings that are not fireproof, or fireproof buildings not mentioned in the above para-

graph, shall be subject to one of the three following rules of construction.

Form 1.—Hatchways to be of solid brick or concrete walls of such thickness as called for by the regular building ordinance, same to be built from the basement or ground floor to a point three feet above the roof, and the openings into the shaft to be properly protected by at least semi-automatic gates of standard construction.

Form 2.—The hatchways may be constructed of an iron frame of proper strength to support the elevator, same to extend from the basement to the proper height for the travel of the elevator. This iron frame shall be fitted with wired glass, the size of each plate of glass not to exceed twenty-four inches by thirty inches; the entrances or doors to be fitted with the same wired glass construction.

Form 3.—In lieu of the above walls or iron frame work, the Inspector of Buildings may permit the use of Fusible Link Underwriters' Hatchway Doors, or Covers; and the exposed sides of the hatchway to be properly guarded. All loading or unloading sides, or entrances to the elevator must be protected at least by semi-automatic hatch gates of standard construction.

§ 165. Openings in Elevator Shafts.

All windows in fire resisting enclosures shall be made of metal glazed with wire glass. No light to be over 3,000 square inches in area.

All doors into such shafts shall have metal frames and metal doors, or doors made of wood covered with metal. Wired glass may be used in such doors, in lights not more than 3,000 square inches in area.

Doors used for openings in dwelling houses intended for the occupancy of one family may be of wood covered with metal on the inner surface and edges with metal, not including the openings in the cellar nor above the roof in any such shaft walls, which latter doors shall be covered with metal.

The roofs over all inclosed elevators shall be made of fire-proof material, with a skylight at least three-fourths the area of the shaft, the glass to be not less than one-eighth of an inch thick and covered above and below with strong wire netting. Wired glass shall not be used in skylights over elevator enclosures. Wire glass windows with metal frames of equal area may be used in place of skylight.

§ 166. Pent Houses.

Pent houses over unenclosed elevator shafts in existing non-fireproof buildings may be made of the same construction as the roof of the main building, but must be lined with metal from the top down to the ceiling line. No woodwork shall be exposed on either the inside or outside of the pent house.

Shafts Through Parts of Buildings.—When the shaft does not extend to the bottom of the cellar or lowest story, the lower end shall be enclosed in fireproof material.

When the shaft does not extend above the top floor, it shall be covered with fireproof material.

In all cases of enclosures, there must be ample facilities for lighting the shaft.

§ 167. Screens.

Immediately under the sheaves at the top of elevator shafts (except when enclosing hand power elevators or dumb-waiters) there shall be placed a metal grill or grating with the bars spaced not more than one and a quarter inches apart. The construction and support of the grillage to be approved by the Inspector of Buildings.

All stairways coming in contact with an elevator shaft must have a fire-resisting partition separating the shaft from the stairs.

Where there are more than one elevator in a battery, the divisions between them need not be fireproof.

When elevators are to be installed in existing buildings having wood joists or floor supports, and it is impracticable to erect fireproof enclosure walls, then all floor openings must be provided with trap doors of a thickness of not less than one and one-eighth inches, hinged at floor and held open by a fusible link, which, in the event of fire, will open and allow the door to fall. The entire under side of such trap doors shall be lined with tin properly lock-jointed, tin to extend over all edges and be properly secured to upper side of door.

§ 168. Elevator Cars.

All passenger elevator cars must be entirely enclosed from floor to canopy, except only the door opening.

When the car of any passenger elevator shall have more than one entrance or exit, all such entrances or exits, except the one immediately in front of the operator, shall be closed with sliding doors inside the car. Such doors to be the full

height, and shall be closed before starting the car, and no door shall be opened before the car has come to a full stop.

Opening or closing doors of elevators while the car is in motion, shall be unlawful and shall subject the operator to the penalties of this ordinance.

Carriage elevators shall be enclosed or guarded as directed by the Inspector of Buildings.

The latch fastenings of all passenger elevators must be arranged to operate from the inside of shafts only, and doors open from outside only by use of a key.

Freight enclosure doors may be made to hinge or slide up and down, or have semi-automatic gates not less than five feet high; but where hinged gates are used, there must also be a hinged guard rail inside next to elevator shaft.

All elevators, except plunger elevators and sidewalk lifts and vehicle elevators, shall be provided with approved safety devices to the bottom platform, and so arranged that the safety device will grip and the guide from the sides to prevent spreading the guides in case any cable should break or become detached.

Elevators shall be provided with automatic stops to bring the car to a stop without a jar or jolt at the top and bottom, independent of the operator.

§ 169. Magnetic Controlled Elevators.

All magnetic controlled elevators shall be equipped with electrical limit stops in the hatchway, besides the automatics mentioned in the above paragraph. These limit switches must break the current and apply the break independent of the operator.

All passenger elevators hereafter installed shall be equipped with an efficient automatic down speed governor to be properly set.

All electric elevators hereafter installed must be equipped with an efficient circuit breaker.

Every power elevator shall be provided with a limitation device to stop the car at upper and lower landings automatically, and a device to stop unwinding of cables from the drum, in case of stoppage of descending car from any cause.

§ 170. Cables, Head Room and Brakes.

All freight elevators controlled by cable shall be provided with a lock to hold them at floors when loading.

No elevator hereafter installed shall be permitted to have

attached above or below the cars a freight compartment or similar device.

Cables.—No power elevator shall be equipped with less than two main lifting cables, and if a counterweight is used, there must be at least two cables used to each set of weights. All cables must be installed of size of the basis of giving a factor of safety of at least eight to one.

All counterweights shall have their sections strongly bolted together and no open weights may be used. They shall be placed in suitable frames to prevent any section of same from falling on car. There shall be no less than three feet of clearance between the top of counterweight and the under side of overhead beam when the car is resting on the bumpers. This does not apply to hand power elevators.

All passenger elevators having a speed of one hundred feet or less per minute, shall have four feet head room between top of car and bottom of overhead grating, and two feet six inches pit room at bottom landing.

For each additional one hundred feet, or fractional part in the car speed, there shall be an additional twelve inches added to the overhead room and pit room just given above.

All passenger plunger elevators having a speed exceeding two hundred feet per minute, shall be equipped with an emergency brake to slow the car down in case of an accident.

All overhead machinery for passenger elevators shall rest on steel beams or girders properly anchored, same to be approved by the Inspector of Buildings.

All overhead sheaves on all types of elevators shall be of ample size to give a factor of safety of at least six; the diameters of these sheaves must be at least forty times the diameter of the cable running over them.

All passenger elevators shall have steel guides properly bolted to each floor.

All power freight elevators shall have at least three feet head room and two feet pit room.

The guides post and runners of all freight elevators shall be fastened with bolts with nut locks. Wood screws will not be allowed.

All freight elevators shall have the car enclosed on three sides, the height to be no less than five feet.

All freight elevators now in use or hereafter installed in old buildings must have the floor openings enclosed on three sides not less than five feet high placed at each landing, and have efficient self-closing gates.

§ 171. Dumb Waiters.

All dumb-waiter shafts in non-fireproof buildings shall be inclosed with incombustible stud partitions or fireproof partitions. In all fireproof buildings they shall be inclosed with fireproof partitions,

All dumb-waiter shafts shall be fire stopped at the bottom and top.

Dumb-waiters that extend through four or more stories shall be deemed freight elevators, and shall be inclosed and equipped with doors and gates accordingly, except that they need not extend to the roof or be provided with skylights or windows at the top.

In dumb-waiter shafts, all openings must have doors which shall be kept closed at all times when not in actual use.

§ 172. Basement and Sidewalk Elevators.

Where basement or sidewalk elevators are installed, it will be necessary to furnish a guard at the first floor or street level. If at the street level, the hatch doors when open must be protected by a collapsing gate or bars. When the elevator is inside a building, the open sides of the hatchway must be protected by at least a solid enclosure, or a sliding enclosure at least three feet six inches high, or gates of at least the semi-automatic type at the loading sides.

The Inspector of Buildings may cause repairs to be made upon any elevator, or he may close any unsafe elevator, and prevent the use of the same until repairs are made and the elevator placed in charge of a competent operator.

Any failure upon the part of the proprietor of the premises to comply with any lawful order of the Inspector of Buildings or his assistant in regard to any elevator, shall subject the proprietor of said premises to a fine of from \$10 to \$50 and each day that such elevator is operated after receipt of such order shall constitute a separate offense.

Automatic passenger elevators can only be used in private residences or exclusively for private use in other buildings.

Passenger elevators shall be limited to carry one person to each four hundred square inches of floor space.

No one shall be allowed to ride on a freight elevator other than the operator and the person handling the freight.

In making changes or alterations to elevator shafts, guide posts, overhead machinery or power, such work must be made to conform with the present law and regulations.

PART XXV.

FRAME BUILDINGS.

§ 173. Foundations.

Unless founded upon solid rock, the foundation walls for frame buildings shall be at least eighteen (18) inches below the established grade of sidewalk, or if the house is set back from the street, then at least eighteen (18) inches below the grade of the lot.

All foundation walls shall be provided with footings properly proportioned to carry the superimposed load on the soil where they are used.

The foundation walls may be made of rubble, stone, brick or concrete.

Foundation walls of stone shall be eighteen (18) inches thick. If they are made of brick or concrete they shall be at least nine (9) inches thick.

If there is a cellar under the building, the brick walls enclosing the cellar on all sides shall be not less than thirteen (13) inches thick up to the average grade line of the lot enclosing the cellar, but may be only nine (9) inches thick, or made of eight inch concrete blocks above the ground line, if provided with proper lateral supports.

In case of veneered frame houses, the foundation walls shall be at least thirteen (13) inches thick.

Inside walls of brick or Portland cement concrete may be nine (9) inches in thickness, if not over ten (10) feet in height, if provided with proper lateral supports.

No wall under any part of a frame dwelling shall be less in thickness than above. This applies to cellar huts, porches, bay windows and other appurtenances to a dwelling.

Ventilators shall be provided in foundations, one under each outside wall of each room.

By lateral supports for walls is meant cross walls, buttresses or other supports made of concrete, brick or stone.

Framing.—The construction of a frame building may be made with a timber framing of posts, girts, plates, rafters, or it may be made the ordinary balloon framing.

In either case the floor joists and the studding and rafters shall not be less than two (2) inches thick.

Floor beams and joists shall not be notched for pipes, except within two (2) feet of the ends, and not more than two (2) inches in depth.

All veneering material shall be safely and efficiently anchored to the wood construction.

The character of materials required in the construction of frame buildings and their allowable stresses: The cellars; vaults, steps and areas of such buildings, their chimneys, flues, fireplaces, pipes, ducts and shafts, all heating appliances and all the plumbing and electrical work shall conform to the requirements of this ordinance, and no ordinances governing plumbing and electrical work for such parts and features of the construction, except that it shall not be necessary to use metal or wire laths for the ceiling of cellars of any frame building, and the cellar stairs in frame buildings may be placed directly under main stairs and no brick wall shall be necessary to enclose the same.

§ 174. Spacing Frame Buildings.

No frame building, except a coal house or similar outhouse in the rear of a lot and not used for residence purposes, shall be built nearer than four (4) feet to any other building. The sheds mentioned herein may extend the entire width of the lot.

§ 175. Buildings on Rear of Lot.

No building of any class of construction shall be built facing an alley and to be used as a residence or tenement house, unless a clear open space of not less than six (6) feet is left between the front of the building and the property line. No porch or veranda, or projection of any kind shall extend over this open space.

§ 176. Veneered Buildings.

Outside the fire limits, frame buildings not over two (2) stories and an attic in height may be veneered with brick, stone or terra cotta. Such veneer work must be tied to the frame by means of wall ties driven through the sheathing and clinched on the back and the veneer must rest solidly on the foundation walls.

§ 177. Row of Buildings.

Whenever two or more frame dwellings are built in a row, the division walls separating the different houses must be built of brick, concrete or other incombustible material, and such walls must conform with all other requirements of this ordi-

nance as to the thickness, length and height of walls, and must extend two (2) feet above the roof and must be properly coped.

PART XXVI.

DRY-CLEANING ESTABLISHMENTS, PUBLIC GARAGES AND STORAGE OF OILS.

§ 178. Dry Cleaning Establishments.

Buildings used for dry-cleaning business shall not be more than one (1) story high, without a basement underneath.

All doors and windows in such buildings shall be fireproof doors and windows; no opening, unless guarded by a fireproof door or window shall be closer than thirty (30) feet from any other building.

The floors in such buildings shall be of cement and shall drain on all sides to a gutter of twice the capacity of the amount of liquids in said building.

Such buildings shall be ventilated by means of air inlets six (6) feet or more above the floor, such inlets to be not less than ten (10) inches square and not more than six (6) feet apart, and by means of an exhaust fan close to the floor, of a size to change the air in the building every three minutes. Such ventilating system shall be in operation at all times during the use of the building.

All heating shall be done by hot water or steam.

No steam boiler, dynamo or motor shall be closer than ten (10) feet to such building.

Drying rooms must be fireproof and must be separated from the cleaning room by fireproof fire walls extending three (3) feet above the roof.

§ 179. Public Garages.

Public garages shall be fireproof buildings, and all existing public garages must be made at least slow burning and have fireproof floors where vehicles are placed, and in other respects they shall conform with the following provisions:

All public garages shall be entirely separated by solid walls of brick or concrete from any and all portions of such building used for any other purpose;

All openings in such walls shall be protected by automatic fireproof doors.

§ 180. Heating and Lighting in Garages.

Heating must be done by steam or hot water.

The boiler room and any room where electric charging apparatus is used must be fireproof, and all openings between such rooms and other parts of the garage shall be protected by automatic double fireproof doors on each side of the wall.

No stoves, forges, torches or furnaces, and no open flame fire, except as provided in fireproof boiler room, no lights, except electric incandescent lights properly inclosed in vapor-tight globes, protected by approved wire guards, shall be used or allowed in any garage.

All fire and lights on vehicles or under the boilers thereof shall be extinguished upon the entry of such vehicles into the garage within ten (10) feet of the threshold and shall not be lighted while the same is in the garage until the vehicle is brought within ten (10) feet of the threshold of the exit.

No person shall smoke in any garage. A notice in large letters, "No Smoking" shall be kept displayed in a conspicuous place and manner on all floors and at the entrance of all garages.

On the floor of every garage there shall be constantly kept and maintained convenient receptacles filled with sand to be used in absorbing waste oils on the floors. In addition thereto, sand shall be kept on every floor in boxes or buckets of approved construction, provided with hand scoops to be used for fire extinguishing purposes only; one such box or bucket for each one thousand (1,000) square feet of floor area or fraction thereof.

One three-gallon carbonic acid gas fire extinguisher of approved construction shall be provided and conveniently located for each thousand square feet of floor space, or fraction thereof.

Self-closing metal cans set firmly on four inch legs shall be kept on all floors of every garage into which all inflammable waste materials shall be deposited.

Calcium carbide shall be kept in air-tight receptacles at least six (6) inches above the floor in an air-tight container provided with a securely fastened cover; if there be a boiler compartment, the container shall be located within the same.

§ 181. Storage and Handling of Volatile Substances.

All volatile substances used in dry-cleaning buildings and public garages, and wherever used in connection with any

other forms of industry or manufacture, shall be stored in closed tanks.

Where the tank is placed inside of building, the supply to same must be run underground to the outside and have inlet for supply outside of building.

All storage tanks shall be constructed of steel and coated on the outside with tar or other rust-resisting material. The material of all tanks shall be at least three-sixteenths (3-16) of an inch thick.

No tank shall have a capacity in excess of two hundred and fifty (250) gallons.

All joints must be tightly corked. All pipes connected with the tank shall be at the top thereof; all tanks must be so buried that no part of the top thereof shall be less than two (2) feet beneath the surface of the ground at the point where the tank is located.

All tanks must be completely cased and surrounded with six (6) inches of waterproof Portland cement concrete, well tamped in place.

Not more than ten (10) gallons of volatile inflammable liquid shall be kept in vessels in a garage, and then only in approved safety cans constructed of metal, self-closing, and of a capacity of not more than five (5) gallons each. When not in use, the said cans must be placed and kept in drip cans, kept therein.

In lieu of the above described safety cans, portable filling tanks of approved construction, not to exceed fifty (50) gallons and in garages maintaining a pumphouse, must be placed and gallons in capacity may be used for transporting volatile inflammable liquids to and from the storage tanks for filling and charging the vehicles. The said portable tanks shall be supported on rubber tired wheels and shall be provided with a rubber hose attachment not to exceed eight (8) feet in length, equipped at the end with shut-off valve with ground key.

No volatile inflammable liquid shall be used in a garage for cleaning or for any other purpose whatsoever other than filling tanks of such vehicles.

No such liquid shall be allowed to run upon the floor or to fall or pass into the drainage system of the garage; nor shall any of such liquid be put into or removed from the tank of the vehicle while any light or fire on the same is burning and no such liquid shall be carried or kept in open vessels in any garage.

§ 182. Storage of Oils.

Buildings for the storage and handling of oils, petroleum, crude petroleum, gasoline, naphtha, benzine, camphine, carbon oil, spirit, gas, burning fluid, spirits of turpentine or coal, rock or earth oil, except oils that will stand a fire test of 150 degrees or more in the open air, shall be used for such purposes only.

Such buildings shall be fireproof.

All such oils in larger quantities than fifty (50) gallon barrels, shall be stored in closed tanks.

Such tanks shall either be entirely buried and incased in concrete, or they shall each be surrounded completely by a room having a cubic contents twenty-five (25) per cent greater than the capacity of the tank.

The walls of such rooms shall be constructed of brick and Portland cement, or of concrete and have concrete floors. The walls and floors are to be perfectly water and oil tight.

Such room shall be closed on top and provided with a suitable vent covered with a fine screen sufficient to exclude all sparks. The walls and screens shall be at least three (3) feet higher than the top of the tanks.

No oils shall be drained into the sewer and the draining of all spaces in the building shall be through a grease trap or cistern.

Such cistern shall have a capacity above its outlet equal to the largest tank in the building, and drains to all places in such building shall have valves.

PART XXVII.

PUBLIC BUILDINGS, THEATERS, MOVING PICTURE
ROOMS, AND OTHER PLACES OF
ASSEMBLAGE.

§ 183. Public Buildings.

In all public buildings or buildings of a public character—

Such as hotels, churches, theaters, restaurants, railroad depots, public halls and other buildings used or intended to be used for purposes of public assembly, amusement or instruction, and including department stores and other business and manufacturing buildings where large numbers of people are

congregated, the doors, stairways, seats, passageways and aisles, and all heating appliances and apparatus shall be arranged as provided in this Code to facilitate egress in cases of fire or accident, and to afford the requisite and proper accommodation for the public protection in such cases.

§ 184. Obstructions.

All aisles and passageways in said buildings shall be kept free from camp stools, chairs, sofas and other obstructions, and no person other than an employe or policeman or fireman shall be allowed to stand in or occupy any of said aisles or passageways during any performance, service, exhibition, lecture, concert, ball, or any public assemblage.

§ 185. Inspector's General Powers.

The Inspector of Buildings may at any time serve a written or printed notice upon the owner, lessee or manager of any of said buildings, directing any act or thing to be done or provided in or about the said buildings and the several appliances therewith connected, such as halls, doors, stairs, windows, seats, aisles, fire walls, fire apparatus and fire escapes, as he may deem necessary for the safety of the occupants or the public.

§ 186. Theaters With Stage More Than Twenty Feet Deep.

Under this heading is included all theaters, opera houses, play houses, pavilions or any assembly hall having a permanent stage twenty (20) feet or more in depth from the curtain line to the rear wall, and upon which stage, scenery and theatrical apparatus is employed, and having fly galleries and rigging loft.

§ 187. Entrances and Exits.

Every such building shall have at least one front on a street, or on a public way which public way shall not be less than thirty-six (36) feet in width, and in such front there shall be suitable means of entrance and exit for the audience.

The stage shall be at the end of the building opposite to the main entrance.

§ 188. Width of Main Corridor.

The width of this main entrance or corridor leading from the street or public way to the main auditorium shall not be less at any point than fifteen (15) feet.

The width of the main entrance or corridor shall be estimated on a basis of not less than twenty (20) inches for each one hundred (100) persons for whom seats are provided, and who may gain access to the corridor as a means of entrance or exit.

The main corridor may serve as a common place or entrance and exit for the main floor of the auditorium and the balcony or first gallery, provided its capacity be equal to the aggregate capacity of the outlets from said main floor and balcony or gallery as provided for above in this section.

The width of all entrances and exits for each distinct and separate division of the auditorium shall be based upon the same estimate of not less than twenty (20) inches for each one hundred (100) persons served by such entrances or exits.

In case the balcony, or first gallery, in addition to the stairway or stairways connecting it with the main auditorium floor or main corridor has an inside stairway or stairways leading direct to the street or public way, then the capacity of this stairway may be taken into consideration in determining the width of the main corridor above the minimum width of fifteen (15) feet herein provided for.

§ 189. Gradients.

The level of all corridors, open spaces and exits shall be not more than one foot above the level of the sidewalk when they begin at the street or alley or outer public way, but this shall not preclude the use of steps at the entrances to the sides or rear of the building as may be necessary to overcome the differences in grade of sidewalks.

To overcome slight differences of levels in and between any open space on the side of such theater or in and between any corridors, lobbies, passageways or aisles on the ground floor, gradients shall be employed of not over one (1) foot in ten (10) feet with no perpendicular rises.

§ 190. Side Courts.

In addition to the main entrance or exit, there shall be an open court or space on the side not bordering on a street or public way, when the said building is located on a corner lot

and on both sides of said building, when there is but one frontage on the street.

The width of these open courts shall be proportional to the seating capacity of the theater, and the general arrangement of the exits for speedily emptying the building.

There shall be no doors or gates in these side courts or alleys, which side courts or alleys shall lead direct to a street or public way without a turn.

§ 191. Courts and Corridors Fireproof.

All courts and corridors shall be entirely fireproof and shall be used for no other purpose than for entrance and exit to and from the theaters and stage.

§ 192. Emergency Exits.

From the auditorium opening into the open courts or the side street or public way, there shall be not less than two exits on each side in each tier from and including the ground floor and each and every gallery.

Each exit shall be at least five (5) feet wide in the clear and provided with fire doors constructed as provided in this Code.

All of said doors shall open outwardly and shall be arranged to open by a slight pressure from the inside without the unfastening of bolts or latches.

There shall be balconies not less than four (4) feet in width in said open courts at each level or tier above the ground floor of sufficient length to embrace the two exits, and from said balconies there shall be staircases extending to the ground level with a rise of not more than eight (8) inches to a step, and not less than ten (10) inches tread exclusive of nosing.

All stairs and balconies shall be constructed of fireproof material.

No circular or winding stairs for the use of the public shall be permitted, either inside or outside of the building.

§ 193. Inside Stairways.

No theater shall have more than three floor tiers above the main floor of the auditorium.

Distinct and separate places of entrance and exit shall be provided for each gallery above the balcony or first gallery, by means of inside stairways leading to the street or other public way and not through the main auditorium or balcony.

No passage leading to any stairway communicating with an exit (not including fire escape exits), shall be less than four (4) feet in width.

The width of all stairs shall be measured in the clear between hand rails.

§ 194. Risers and Treads.

In no case shall the risers of any inside stairway exceed seven and one-half ($7\frac{1}{2}$) inches in height, nor shall the treads exclusive of nosings be less than ten and one-half ($10\frac{1}{2}$) inches in width in straight stairs.

All stairs within the building shall be constructed of fire-proof material throughout.

Stairs from balcony or galleries shall not communicate with the basement or cellar.

No doors shall open immediately upon a flight of stairs, but in all cases a landing at least the width of the door shall be provided.

Doors to Open Outwardly.

All doors shall open outwardly as hereinbefore provided in the case of emergency exits.

All stairs shall have treads of uniform width and risers of uniform height throughout in each flight.

§ 195. Width of Inside Stairways.

No stairways from galleries shall be less than four (4) feet in width.

When accommodation is provided for one hundred or more people, there shall be at least two stairs extending to the ground arranged on opposite sides of gallery and for every additional seventy-five people or fraction thereof in excess of the first one hundred to be accommodated, six inches shall be added to the width of the stairs divided between the two flights.

Where the seating capacity of the galleries is for more than one thousand (1,000) persons, one or more additional staircases shall be provided.

§ 196. Stair Landings in Theaters.

When straight stairs return direct on themselves, a landing of the full width of both flights without any steps shall be provided.

The outer line of landings shall be curved to a radius of not less than two (2) feet to avoid square angles.

Stairs turning at an angle shall have a landing without winders introduced at said turn.

In stairs when two side flights connect with one main flight, no winders shall be introduced, and the width of the main flight shall be at least equal to the aggregate width of the side flights.

§ 197. Hand Rails.

All inclosed staircases shall have on both sides strong hand-rails firmly secured to the wall about three inches distant therefrom and about three feet above the stairs, but said hand-rails shall not run on level platforms and landings where the same are of greater length than the width of the stairs.

All staircases eight feet and over in width shall be provided with a center hand rail of metal not less than two inches in diameter placed at a height of about three feet above the center of the treads and supported on wrought metal or brass standards of sufficient strength placed not nearer than four feet nor more than six feet apart, and securely bolted to the treads or risers of stairs, or both, and at the head of each flight of stairs on each landing, the post or standard shall be at least six feet in height, to which the rail shall be secured.

§ 198. Proscenium Wall.

A fire wall built of brick or its equivalent not less than thirteen inches in any portion of same shall separate the auditorium from the stage, and the same shall extend at least four feet above the stage roof, or the auditorium roof, if the latter be the higher and shall be coped.

Above the proscenium opening there shall be an iron girder of sufficient strength to safely support the load above and the same shall be covered with fireproof material not less than four inches in thickness.

Should there be constructed an orchestra over the stage above the proscenium opening, the said orchestra shall be placed on the auditorium side of the proscenium fire wall, and shall be entered only from the auditorium side of said wall.

The molded frame around the proscenium opening shall be formed entirely of fireproof materials; if metal be used, the metal shall be filled in solid with non-combustible material and securely anchored to the wall with iron.

§ 199. Curtain.

The proscenium opening shall be provided with a fireproof metal curtain (or a curtain of asbestos or other fireproof material approved by the Inspector of Buildings), overlapping the brick proscenium wall at each side within iron grooves or channels to a depth of not less than twelve inches; said grooves or channels to be securely bolted to the brick wall and extend to a height of not less than three feet above the top of the curtain when raised to its full limit. Said curtain to be suspended or hung by steel cables passing over wrought iron or steel sheaves supported by wrought iron brackets of sufficient strength and well braced; the brackets to be securely attached to the proscenium wall by through bolts with nuts and washers on the opposite side of the wall.

Said fireproof curtain shall be raised at the commencement of each performance, lowered between each act, and lowered at the close of said performance, and be operated by approved machinery for that purpose.

If the proscenium curtain be of asbestos, that material shall be reinforced with wire or wire spun in the asbestos, and at the bottom of the curtain shall be placed a rigid metallic rod or bar of proper weight securely fastened to the curtain and covered over with like material as the curtain itself, to carry down the curtain by the weight of the said rod or bar when released.

The excess weight of the curtain is to be overcome by a check rope of cotton or hemp, extending to the floor on both sides of the stage so that the cutting or burning of which will release the curtain and the same will then descend at its normal rate of speed.

The proscenium curtain shall be placed at the nearest point at least two feet distant from the footlights.

No doorway or opening through the proscenium wall from the auditorium shall be allowed above the level of the first floor, and such first floor openings shall have self-closing standard fire doors at each side of the wall; and openings, if any below the stage, shall each have a self-closing standard fire door, and all of the said doors shall be hung so as to be opened from either side of the wall at all times.

§ 200. Skylights.

There shall be provided over the stage metal skylights of an area or combined area at least one-twelfth of the area of said stage, fitted with rolling sash and glazed with glass not exceeding one-eighth of an inch thick, and each pane thereof

measuring not less than three hundred square inches.

The rolling sash shall be fitted with brass wheels not less than two and one-half inches in diameter, and the latter shall roll on metal tracks extending the entire length of the sash. The portion of the tracks extending from the edge of the curb of the skylight to the end of the incline may be made of iron.

These skylights shall be set on curbs so that the lowest portion of the tracks upon which they slide shall be not less than twelve inches above the roof.

The whole of which skylight shall be so constructed as to open instantly on the cutting or burning of a hempen cord which shall be arranged to hold said skylight closed, or some other equally simple approved automatic device for opening them may be provided.

Immediately underneath the glass of said skylights there shall be wire netting, but wire glass shall not be used in lieu of this requirement.

§ 201. Ventilator.

In lieu of the skylights covered with glass, provided for in Section 200, ventilators may be used, constructed as follows:

There shall be one or more ventilators constructed of metal or other incombustible material near the center above the highest part of the stage in every theater. Stage ventilator shall extend at least fifteen feet over all above the stage roof and shall have a combined area of at least one-twelfth of the area within the stage walls.

The opening in every stage ventilator shall be closed by one or more dampers so counterbalanced as to open automatically and to be held closed by a hempen cord, in which shall be inserted a fusible link at such a point as to be near the bottom of the ventilator. Such cord or cords operating said dampers shall be run to stage floor and to be fastened at a point nearest and shall be designated with a sign to read "Release in Case of Fire."

It is imperative that said automatic dampers and their counterbalancer be tested from time to time and kept in perfect working order so as to insure an automatic release at all times.

§ 202. Stage.

All that portion of the stage not comprised in the working of scenery, traps and other mechanical apparatus, for the presentation of a scene, usually equal to the width of the proscenium opening, shall be built of iron or steel beams filled

in between with fireproof material, and all girders for the support of said beams shall be of wrought iron or rolled steel.

The fly galleries and the tie galleries entire, including pin-rails, shall be constructed of iron or steel, and the floors of said galleries shall be composed of iron or steel beams filled in with fireproof materials, and no wood boards or sleepers shall be used as covering over beams, but the said floors shall be entirely fireproof.

The gridiron or rigging loft shall have a lattice iron floor, and be readily accessible by iron stairways.

§ 203. Fireproofing.

All stage scenery, curtains and decorations made of combustible material, and all woodwork on or about the stage, shall be painted or saturated with some non-combustible material or otherwise rendered safe against fire.

And the finishing coats of paint applied to all woodwork throughout the entire building shall be of such kind as will resist fire.

The roof over the auditorium and the entire main floor of the auditorium and vestibule, also the entire superstructure over the entrance, lobby and corridors and all galleries and supports for the same in the auditorium shall be constructed of iron or steel and fireproof materials, not excluding the use of wood floor boards and necessary sleepers to fasten the same to, but such sleepers shall not mean timbers of support, and the space between the sleepers, excepting the portion under the stepping in the galleries which shall be properly fire-stopped, shall be solidly filled with incombustible material up to the under side of the floor boards.

The fronts of each gallery shall be entirely formed of fireproof materials, except the capping which may be made of wood.

The ceiling under each gallery shall be entirely formed of fireproof materials.

The ceiling of the auditorium shall be formed of fireproof materials.

All lathing, whenever used, shall be of wire or other metal on metal studding.

The partitions in that portion of the building which contains the auditorium, the entrance and vestibule, and every room and passage devoted to the use of the audience, shall be constructed of fireproof materials, including the furring of outside or other walls.

None of the walls or ceilings shall be covered with wood sheathing, wood wainscoting or any combustible material.

But this shall not preclude the construction of a wood sounding board over orchestra pit when the same extends back of and below the overhang of the stage, provided the said wood sheathing be properly fire-stopped by a twelve inch brick wall back of same, and also have a proper fireproof construction directly under the overhang of the stage extending from the brick wall to the apron of the stage.

§ 204. Dressing Rooms.

All walls, floors and ceilings enclosing or dividing actors' dressing rooms shall be fireproof.

All stairways, passages and doors from dressing rooms to stage, or from dressing rooms to exits shall be fireproof.

Dressing rooms may be placed in the rear or at either side of the stage, provided that thorough ventilation is secured for said rooms and provided further that proper exits lead to public way.

All shelving and cupboards in each and every dressing room, property room or other storage rooms, shall be constructed of metal, slate or some fireproof material.

§ 205. Windows.

None of the windows in outside walls shall have fixed sashes, fixed iron grills or bars; these may be arranged to hinge and lock, but must be left unlocked during performances.

§ 206. Seats and Aisles.

All seats in the auditorium, excepting those contained in boxes, shall be not less than thirty-two (32) inches from back to back, measured in a horizontal direction, and firmly secured to the floor. No seat in the auditorium shall have more than six seats intervening between it and an aisle on either side.

No stool or seat shall be placed in any aisle.

All platforms in galleries formed to receive the seats shall be not more than twenty-four (24) inches in height of riser, nor less than thirty (30) inches in width of platform.

All aisles on the respective floors in the auditorium having seats on both sides of same shall be not less than three feet wide where they begin, and shall be increased in width toward the exits in the ratio of one and one-half inches to five running

feet. Aisles having seats on one side only, shall be not less than two feet six inches wide at the beginning and increased in width the same as aisles having seats on both sides.

§ 207. Foyers.

The aggregate capacity of the foyers, lobbies, corridors, passages and rooms for the use of the audience, not including aisle space between seats, shall on each floor or gallery be sufficient to contain the entire number to be accommodated on said floor or gallery in the ratio of one hundred and fifty (150) superficial feet of floor room for every one hundred (100) persons.

§ 208. Heating.

Every steam boiler which may be required for heating or other purposes, shall be located outside of the building, either under the sidewalk or in an extension, but in no case under or within any portion of the building used for theatrical purposes, and the space allotted to the same shall be inclosed by walls of masonry on all sides, and the ceiling of such space shall be constructed of fireproof materials. All doorways in said walls connecting with the building shall have standard automatic sliding fire doors.

No floor register for heating, ventilating or other purposes shall be permitted.

No coil or radiator shall be placed in any aisle or passage-way used as an exit, and thereby reduce the same to less than the width required by this Code, but all said coils and radiators shall be placed in recesses formed in wall or partition to receive same.

All supply, return or exhaust pipes shall be properly incased where passing through floors or near woodwork.

§ 209. Standpipes.

Standpipes of not less than four (4) inches in diameter shall be provided, same to be supplied by a main not less than six (6) inches in diameter to be connected to the street main and extended to the inside of the proscenium wall under the stage, where suitable fittings must be installed to allow a four-inch lead to either side of building for standpipe service.

All standpipes to be free of obstruction; said standpipes to be supplied with hose connections as follows:

One on each side of auditorium in each tier.

One on each side of the stage in each tier.

One within ten (10) feet of the door of the carpenter shop and scenery storage room.

Standpipes shall receive their supply of water from the city mains, and in addition to this requirement, a "Siamese" inlet connection with two two and one-half inch female hose connection for steamer supply shall be placed on outside of building in a convenient place; said location to be approved by the Chief of the Fire Department; said hose connections to have the thread used by the Louisville Fire Department.

This system shall also be connected to the automatic sprinkler system.

Pipes shall be fitted with approved straightway composition gate valves at hose outlets, and the thread of all connections shall be uniform with that in use by the local Fire Department.

One spanner to be located at each hose connection.

Pipes shall be kept constantly filled with water under pressure and be ready for immediate use at all times.

A sufficient quantity of approved linen, cotton rubber lines or rubber hose not less than two and one-half ($2\frac{1}{2}$) inches in diameter, in fifty foot lengths, but not less than fifty (50) feet in total length, shall be kept attached to each hose connection.

Hose shall be fitted with washers and equipped with couplings and nozzles, the thread of which shall be uniform with that in use by the local Fire Department.

§ 210. Automatic Sprinklers.

A system of automatic sprinklers shall be installed throughout the entire stage section of the theater, located in the rear of the proscenium wall, this to include under roof, under grid-iron, under galleries, under the stage, in all dressing rooms, in all workshops, property and all other rooms and passages.

There shall be an independent water supply to the sprinklers which may consist of a gravity tank of not less than ten thousand (10,000) gallons capacity, and elevated not less than twenty-five (25) feet above the highest sprinkler, the tank to be supplied from the city main, which has a normal pressure of about seventy pounds to the square inch.

There shall be kept in readiness for immediate use one forty-gallon cask filled with water and six fire pails on each side of the stage, under the stage, on each fly gallery, and a supply of fire pails in property and other storerooms and in

each workshop; said casks and buckets shall be painted red and lettered "For Fire Purposes Only."

There shall also be provided six three-gallon approved chemical fire extinguishers, at least four axes, two twenty feet hooks, two fifteen feet hooks and two ten feet hooks on the stage, and such other appliances as may be required for fire protection.

§ 211. Lights.

Every portion of the building devoted to the uses or accommodation of the public, also all outlets leading to the streets and including the open courts and corridors, shall be well and properly lighted during every performance, and same shall remain lighted until the entire audience has left the premises.

There shall be one light within a red globe or lantern placed over each exit opening on the auditorium side of the wall.

A diagram or plan of each tier, gallery or floor, showing distinctly the exits therefrom, each occupying a space not less than fifteen square inches, shall be printed in black lines in a legible manner on the programme of the performance.

Every exit shall have over the same on the inside the word EXIT in legible letters not less than eight inches high.

§ 212. Theaters Without Fly Gallery or Rigging Loft.

Theaters, halls, club or assembly rooms having a stage less than twenty feet in depth with no basement under same and having no fly gallery or rigging loft, but simply a stage to be used for concerts, vaudeville performances and like forms of amusement will not be required to have solid masonry proscenium walls as required for theaters of the first class described in this Code, but all partitions shall be of metal lath and plaster or other fireproof construction.

All curtains and scenery used in such buildings shall be fireproofed.

Standpipes and other fire appliances, such as are required for theaters with proscenium wall, fly gallery and rigging loft, will not be required, but each such building shall be equipped with at least three chemical fire extinguishers of three gallons capacity each and such other fire-fighting apparatus as may be necessary to safeguard the building.

The arrangement of exits, aisles and seats shall be the same as prescribed for theaters of the first class of like seating capacity, except that theaters having no balcony or gallery

and seating less than seven hundred persons, may have only two side exits in addition to the main entrance, these side exits to be not less than five (5) feet in width.

§ 213. Halls Above Sidewalk Level.

No public hall or assembly hall seating more than five hundred people shall be located more than thirty feet above the sidewalk, unless such room is in a fireproof building made fireproof throughout, and connected with the street by fireproof stairways of such width as is elsewhere provided in this Code. Such hall may have a stage, but no movable scenery.

Baseball stands and all other forms of outdoor places of amusements shall conform to all the requirements of this Code for public halls, as to aisles, stairways, arrangement of seats, and all the construction of such stands shall be subject to the requirements of this Code.

§ 214. Moving Picture Theaters or Rooms.

Every theater or room used for the purpose of operating a moving picture machine shall be on the ground floor of the building in which it is located, and shall front on a public way.

In no case shall there be a means of connection from said room to any other room or building, nor shall any other business be operated or conducted in such room.

All exterior walls shall be of some incombustible material.

The entire floor of the auditorium, foyer and the exits to the streets shall be constructed of fireproof material throughout, or if joist construction is used in the floor, the space between such joists be filled with fireproof material.

Every room used for the purpose of exhibiting moving pictures shall have two (2) exits in the front and at least one exit on the side or rear. Each exit doorway shall not be less than five (5) feet in width.

If the machine booth is in the front of the building, then there shall be two exits in the rear, or on the sides near the curtain.

All doors must open outwardly and shall not be locked or bolted while the room is open to the public.

Side or rear exits shall open direct into a street, alley or courtyard, free from obstruction, with direct access therefrom to a public way.

No aisle shall be less than three (3) feet in width.

All seats shall be not less than thirty-two (32) inches from back to back, and not less than twenty (20) inches in width from center to center of the arms.

Seats shall be firmly secured to the floor. No camp chairs or stools shall be used in such rooms.

In every room where picture machines are operated, there shall be placed three (3) chemical fire extinguishers of type approved by the Board of Fire Underwriters. One extinguisher shall be placed in the operating booth, one near the curtain and one near the front or main entrance.

All moving picture machines must be in a fireproof booth or compartment, and all machines, booths and all wiring shall be constructed in conformity with the rules and requirements of the ordinance governing electrical wiring in the city of Louisville.

All moving picture theaters with seating capacity of five hundred (500) or more, shall conform to all requirements of this Code for theaters without fly gallery or rigging loft, and shall be fireproof throughout.

PART XXVIII.

APARTMENT HOUSES AND TENEMENT HOUSES

§ 215. Apartment Houses and Tenement Houses.

Every building hereafter erected for use as an apartment or a tenement house over three stories and basement in height, and every non-fireproof building hereafter altered for use as an apartment house or a tenement house over three stories and basement in height shall be of fireproof construction.

§ 216. Cellar Stairs.

The stairs from the cellar or lowest story to the floor next above when placed within any apartment house or tenement house shall be located when practicable to the rear of the staircase leading from the first story to the upper stories, and in all cases be inclosed with fireproof walls, and such stairway shall be provided with self-closing fireproof doors at the top and bottom of said flight of stairs.

When such stairway is placed underneath the first story staircase it shall be constructed fireproof and be roofed over with fireproof material, and be also inclosed with fireproof

walls, with self-closing fireproof doors at the top and bottom of said flight of stairs.

When the stairs from the first story to the cellar or lowest story are located in an open court, the door leading thereto from the first story may be placed underneath the staircase in the first story, and the strings and railings of such outside stairs shall be of iron, and if the stairs be inclosed from the weather, incombustible material only shall be used for that purpose.

§ 217. Hallway Inclosures and Staircases.

In all non-fireproof apartment houses or tenement houses hereafter erected three stories and basement in height, but not exceeding fifty-five feet in height, and occupied or arranged to be occupied by more than two families on any floor, the staircase halls shall be inclosed with fireproof walls, and the said hall inclosures shall have a connecting hallway in the first story and extend to the street, inclosed with suitable walls of brick, or such other fireproof materials, including ceiling, as may be approved by the Inspector of Buildings.

In fireproof apartment houses and tenement houses hereafter erected, the stair halls and hallway leading to the street shall be inclosed in brick walls, and in other respects be constructed as required by this Code for fireproof construction.

Eight-inch brick walls not exceeding fifty feet in their vertical measurement may inclose said halls and stairs and be used as bearing walls where the distance between the outside bearing walls does not exceed thirty-three feet, and the area between the said brick inclosure walls does not exceed one hundred and eighty superficial feet.

At least one flight of stairs or ladder stairs in each of said buildings shall extend to the roof and there have exit.

Whenever the walls inclosing the entrance hall of any apartment or tenement house hereafter erected, support beams or girders carrying a brick wall above, the said walls shall be not less than twelve inches thick laid in cement mortar.

§ 218. Closet Prohibited Under First Story Staircase.

No closet shall be constructed underneath the staircase of any story, but the space thereunder shall be left entirely open and kept free from incumbrance; but this shall not prohibit the inclosing without openings the under portion of the first story staircase from the foot of the same to a point where

the height from the floor line to the soffit of the staircase shall not exceed five feet.

§ 219. Percentage of Lot Occupied.

No apartment house or tenement house hereafter erected shall occupy more than ninety per centum of a corner lot,

Or more than seventy per centum of any other lot,

Provided, that the space occupied by outside fire escapes projecting not more than four feet shall not be deemed a part of the lot occupied.

For the purpose of this section, the measurements shall be taken at the ground level,

Except that where any such building has a store on the first story, and that story is or is intended to be occupied for business purposes only, the measurements as to percentage of lot occupied may be taken at the level of the second story beams.

§ 220. Yards.

Behind every apartment house and tenement house four-stories in height hereafter erected on an inside lot, there shall be a yard not less than ten feet in depth, extending across the entire width of the lot, and at every point open from the ground to the sky unobstructed, except that fire escapes or uninclosed outside stairs may project not over four feet from the rear line of the house.

Said yard shall be increased in depth six inches for every additional story in height of the building.

And may be decreased in depth one foot for every story in height of the building less four stories.

The depth of the yard behind every apartment house and tenement house hereafter erected upon a corner lot, shall be not less than five feet in every part for the full width of the lot, and such depth need not to be increased when the building exceeds four stories in height, nor shall it be decreased in depth when the building is less than four stories in height, except that,

Where an apartment house or a tenement house is hereafter erected on a corner lot, and when any such building has a store on the first story, the said yard or open space unencumbered except by fire escapes projecting not more than four feet, may start at the level of the second story floor beams.

Where a corner lot is more than fifty feet in width, the yard for that portion in excess of fifty feet, shall conform to the provisions of this section for inside lots.

Where an apartment house or a tenement house hereafter erected is situated on a lot formed by the intersection of two streets at an acute angle, the yard of the said house need not extend across the entire width of the lot, provided, that it extends to a point in line with the middle line of the block.

§ 221. Courts.

A court, that is, an open, unoccupied space other than a yard of an apartment house or a tenement house hereafter erected shall be at every point open from the ground to the sky, unobstructed other than by fire escapes.

Outer Courts.—Where one side of an outer court, that is, a court extending to the street or yard, is situated on the lot line, the width of the said court measured from the lot line to the opposite wall of the building, for apartment houses and tenement houses four stories and basement in height, shall be not less than four feet in any part;

And for every story of increase above four stories and basement in height of the said building, such width shall be increased six inches throughout the entire height of said court;

And for every story of decrease in the height of the said building below four stories and basement, such width may be decreased one foot.

Where an outer court is situated between wings or parts of the same building or between different buildings on the same lot, the width of the said court measured from wall to wall, for apartment houses and tenement houses four stories and basement in height, shall be not less than eight feet in any part;

And for every story of increase above four stories and basement in height of the said building, such width shall be increased six inches throughout the entire height of said court;

And for every story of decrease in the height of the said building below four stories and basement, such width of the said court may be decreased one foot.

Inner Courts.—Where one side of an inner court, that is, a court not extending to the public way or yard, is situated on the lot line, the width of the said court measured from the lot line to the opposite wall of the building, for apartment houses and tenement houses four stories and basement in height, shall be not less than six feet in any part, nor less than seventy-two square feet in area.

And for every story of increase in the height of the said building above four stories and basement, such width shall be increased six inches throughout the entire height of said court and ten feet added to the area;

And the other horizontal dimensions shall be increased one foot throughout the entire height of said court;

And for every story of decrease in the height of the said building below four stories and basement, such width may be decreased six inches throughout the entire height of the said court and ten feet may be deducted from area.

Where an inner court is not situated upon the lot line, but is inclosed on all sides, the least horizontal dimension of the said court for apartment houses and tenement houses four stories and basement in height, shall be not less than twelve feet;

And for every story of increase above four stories and basement in the height of the said building, the said court shall be increased one foot in each horizontal dimension throughout the entire height of said court;

And for every story of decrease in the height of the said building below four stories and basement, the horizontal dimensions of the said court may be decreased six inches in each direction.

No window, except windows of water-closet compartments, bathrooms or halls, shall open upon any offset or recess less than six feet in width.

§ 222. Outer and Inner Courts.

Nothing contained in this section concerning outer and inner courts shall be construed as preventing windows at the angles of said courts.

When an apartment house or a tenement house hereafter erected has a store on the first story, and that story is, or is intended to be occupied for business purposes only, the outer and the inner courts may start at the level of the second story floor beams.

§ 223. Rear Tenement Houses or Apartment Houses.

No separate tenement or apartment house shall be erected upon the rear of any lot where there is not left a sidewalk of at least six feet in width between the face of the building and the alley curb line.

§ 224. Buildings on Same Lot with Tenement Houses or Apartment Houses.

If any building is hereafter placed on the same lot with a tenement house or an apartment house, the space between the said buildings shall always be of such size and arranged in such manner as is prescribed for yards in rear of apartment houses and tenement houses.

And no building of any kind shall be hereafter placed upon the same lot with a tenement house or an apartment house so as to decrease the minimum size of courts or yards as hereinbefore prescribed.

And if any tenement house or apartment house is hereafter erected upon any lot upon which there is already another building, it shall comply with all the provisions of this section, and in addition the space between the said building and the said tenement house or apartment house shall be of such size and arranged in such manner as is prescribed in this section for inner courts.

§ 225. Rooms, Lighting and Ventilation of.

In every apartment house or tenement house hereafter erected, every room, except water-closet compartments and bath rooms, shall have at least one window opening directly upon a public way or upon a yard or court.

§ 226. Windows in Rooms.

In every apartment house or tenement house hereafter erected the total window area in each room, except water-closet compartments and bathrooms, shall be at least one-tenth of the floor area of the room.

And the top of at least one window shall be not less than seven feet six inches above the floor, and the upper half of it shall be made so as to open the full width.

No such window shall be less than twelve square feet in area between the stop beads.

§ 227. Windows in Water-Closet Compartments and Bathrooms.

In every apartment house or tenement house hereafter erected the total window area in a water-closet compartment or bathroom shall be not less than three square feet in area for each.

And no such windows shall be less than one foot in width measured between stop beads.

§ 228. Rooms, Size of.

In every apartment house and tenement house hereafter erected, all rooms, except water-closet compartments and bathrooms shall be of the following minimum sizes:

In each apartment there shall be at least one room containing not less than one hundred and twenty square feet of floor area;

No living or sleeping room shall contain less than seventy square feet of floor area;

Each room shall be in every part not less than nine feet high from the finished floor to the finished ceiling;

Provided that an attic room need be nine feet high in but one-half its area.

§ 229. Public Hallways.

In every apartment house or tenement house hereafter erected exceeding three stories and basement in height, every public hallway, that is, a corridor not within an apartment, shall have at least one window opening directly upon the public way or upon a yard or court.

One at least of the windows provided to light each public hallway or part thereof shall be at least two feet six inches wide and five feet high, measured between stop beads.

Any part of a hallway which is shut off from any other part of said hallway by a door or doors, shall be deemed a separate hall or separate hallway within the meaning of this section.

In every apartment house and tenement house hereafter erected exceeding three stories and basement in height, the where the public hallway is not provided with a window opening directly to the outer air, sash doors admitting light to the public hallways from the apartments shall be provided.

§ 230. Stair Hallway Windows.

In every apartment house or tenement house hereafter erected exceeding three stories and basement in height, the aggregate area of windows to light or ventilate stair halls, that is, the public hallways which include the stairs, stair landings and those portions of the hallways through which it is necessary to pass in going between the entrance floor and the roof, shall be at least eighteen square feet for each floor.

There shall be provided for each story at least one of said windows which shall be at least two and a half feet wide and five feet high, measured between the stop beads.

A sash door shall be deemed the equivalent of a window in public hallways and stair halls, provided that such door contains the amount of glazed surface prescribed for such windows.

§ 231. Privacy.

In every apartment of three or more rooms in an apartment house or a tenement house hereafter erected, access to every living room and bedroom and to at least one water-closet compartment shall be had without passing through any bedroom.

§ 232. Existing Buildings.

No now existing apartment house or tenement house shall hereafter be enlarged, or its lot be diminished so that the house shall occupy more than the percentage of lot allowed by this Code for similar new houses.

No now existing apartment house or tenement house shall hereafter be enlarged or its lot be diminished so that the yard shall be less than specified in this Code for similar new houses.

And such yard shall be at every point open from the ground to the sky, except that fire escapes or uninclosed outside stairs may project not over four feet from the rear line of the house.

Any additional room or hall that is hereafter constructed or created in a now existing apartment house or tenement house shall comply in all respects with the provisions of this Code for new houses.

§ 233. Lights in Public Hallways.

In every apartment house and tenement house a proper light shall be kept burning by the owner in the public hallways near the stairs upon the entrance floor and upon the second floor of said house every night from sunset to sunrise throughout the year.

And upon all other floors of the said house from sunset until ten o'clock in the evening.

§ 234. Chimneys and Fireplaces.

In every apartment house and tenement house there shall be adequate chimneys running through every floor with an open fireplace or grate, or place for a stove, properly connected with one of said chimneys for every apartment.

§ 235. Area for Vent Shafts.

Every vent shaft hereafter constructed in an apartment house or a tenement house four stories and basement in height shall be at least twelve square feet in area, and the least dimension of such shaft shall be not less than three feet;

And if the building be above four stories and basement in height, such shaft shall throughout its entire height be increased in area two square feet for each additional story in height;

And for each story in height less than four stories and basement, such shaft may be decreased in area one square foot.

A vent shaft may be inclosed on all four sides, but must have ventilation equal to area of shaft.

§ 236. Bottoms of Shafts, Courts, Area and Yards.

In every apartment house and tenement house hereafter erected, the bottom of all shafts, courts, areas and yards which extend to the basement for light or ventilation of living rooms, shall be six inches below the floor level of the part occupied or intended to be occupied.

All such shafts, courts, areas and yards shall be properly concreted, graded and drained, and shall be properly connected with the street sewer so that all water may pass freely into it.

§ 237. Basements and Cellars.

In apartment houses and tenement houses hereafter erected, no room in the cellar or in the basement shall be constructed, altered, converted or occupied for living purposes unless all of the following conditions are complied with:

1. Such room shall be at least eight feet high in every part from the floor to the ceiling.

Provided, that in buildings already erected and not now used as tenement houses, but hereafter altered or converted to such use, such room shall be not less than seven feet high in every part.

2. Ceiling of such room shall be at least two feet and six inches above the surface of the street or ground outside of or adjoining the same.

3. There shall be appurtenant to such room the use of a separate water-closet, constructed and arranged as required by this section for water-closet compartments.

4. Such room shall have a window or windows opening upon the street or upon a yard or court. The total area of windows in such room shall be at least one-eighth of the superficial area of the room, and one-half of the sash shall be made to open the full width, and the top of each window shall be within six inches of the ceiling.

5. All walls surrounding such room shall be damp-proof.

6. The floor of such room shall be damp-proof and water-proof.

Every apartment house and tenement house hereafter erected shall have all walls below the ground level and all cellar or lower floors damp-proof and water-proof.

When necessary to make such walls and floors damp-proof and water-proof, the damp-proofing and the water-proofing shall run through the walls and up the same as high as the ground level, and shall be continued throughout the floor.

And the said cellar or lowest floor shall be properly constructed so as to prevent dampness or water from entering.

§ 238. Water-Closet Accommodations.

In every apartment house hereafter erected there shall be a separate water-closet in a separate compartment or bathroom within each apartment.

Provided that where there are apartments consisting of but one or two rooms, there shall be at least one water-closet for every three rooms.

Every tenement house hereafter erected shall be provided with no less than one water-closet for every fifteen occupants.

Nothing in this section in regard to the separation of water-closet compartments from each other, shall apply to a general toilet room hereafter placed in any apartment house or tenement house, provided such water-closets are supplemental to the water-closet accommodations required by this section for the use of the occupants of any said house.

All water-closet compartments in every apartment house or tenement house hereafter erected shall have a window opening upon the public way or yard or upon a court or vent shaft.

Every water-closet compartment shall be provided with proper means of lighting the same at night. If fixtures for gas or electricity are not provided in said compartment, then the door of said compartment shall be provided with obscured glass panels, or with an obscured glass transom not less in area than four square feet.

The floor of every water-closet compartment shall be made water proof with asphalt, tile, stone. Portland cement con-

crete, metal or some other water-proof material; and such water-proofing shall extend at least six inches above the floor, so that the said floor can be washed or flushed out without leaking.

No drip trays shall be permitted.

No water-closet fixtures shall be inclosed with any wood-work.

§ 239. Fire Escapes.

In all apartment houses or tenement houses any apartment not containing any room fronting upon the street or yard shall have a fire escape in a court, projecting not more than four feet from the wall of the house, constructed in accordance with requirements of Part 23 of this Code.

In any such building each and every apartment therein above the first story shall open directly to an outside fire escape from at least one room other than a bathroom or water-closet compartment, and shall not include a window of a stair hall.

PART XXIX.

MISCELLANEOUS BUILDINGS.

§ 240. Coal and Sand Elevators and Pockets.

Nothing in this Code shall be construed to prevent the erection of coal, sand and gravel, elevators and pockets of combustible materials, when located on the river bank or wharf.

§ 241. Smoke Houses.

All smoke houses shall be of fireproof construction with brick walls, iron doors and brick or metal roof.

An iron guard shall be placed over and not less than three (3) feet above the fire, and the hanging rails shall be of iron, and an iron grating shall be placed under the first row of hanging rails, and be not less than eight (8) feet above the floor of the fire pit.

The walls of all smoke houses shall be built at least three (3) feet higher than the roof of the building in which they are located, and shall be not less than twelve (12) inches in thickness, and be coped with stone or its equivalent.

PART XXX.

VIOLATIONS AND PENALTIES.

§ 242. Penalties.

Any person or persons, firm or corporation violating any of the terms or provisions of this ordinance for which violation no penalty is otherwise fixed in this ordinance, and any such person, firm or corporation failing to conform to any of the provisions of this ordinance, or failing to obey any order of the Inspector of Buildings issued in pursuance of this ordinance, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than ten nor more than one hundred dollars; and where such violation is of a continuing nature each day such person, firm or corporation violates any such provision, or fails to conform to any such provision of this ordinance, or any such order of the Building Inspector, shall be deemed a separate offense.

§ 243. Repeals.

The following ordinances are hereby repealed:

An ordinance approved July 7, 1904, and entitled, "An Ordinance concerning the Interior, Exterior Arrangement, Equipment, Alteration and Conduct of Public Buildings in the city of Louisville, such as theaters, opera houses, auditoriums, concert, assembly, exhibition, dance halls and other public halls, lodge rooms, churches, hotels, apartments and tenement houses in which two or more families dwell, infirmaries, hospitals, asylums, restaurants, railroad depots, places of detention, department stores and other business and manufacturing buildings where large numbers of people are congregated or assembled for any purpose whatever."

An ordinance approved March 24, 1909, entitled "An Ordinance establishing and providing for a Department of Buildings for the city of Louisville, and to regulate the construction, alteration, repairing and removal of buildings, and the occupancy and obstruction of streets and alleys in the performance of same."

An ordinance approved June 29, 1908, entitled "An Ordinance establishing and providing for a Department of Buildings for the city of Louisville, and to regulate the construction, alteration, repairing and removal of buildings and the oc-

cupancy and obstruction of streets and alleys in the performance of same."

An ordinance approved January 14, 1907, entitled, "An Ordinance establishing and providing for a Department of Buildings for the city of Louisville, and to regulate the construction, alteration, repairing and removal of buildings, and the occupancy and obstruction of streets and alleys in the performance of same," and all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

An ordinance approved April 24, 1906, entitled "An ordinance for the protection of sidewalks in the city of Louisville.

§ 244. Date When in Effect.

This ordinance shall take effect from and after its passage.
Approved August 4, 1909.

BURIAL OF THE DEAD.

AN ORDINANCE regulating the burial of the dead.

Be it ordained by the General Council of the city of Louisville:

§ 1. It shall be unlawful for any person to allow the dead or embalmed body of any human being to remain unburied for a longer period than three days without special permission from the Health Officer; nor shall any person allow the dead body of any human being to be exposed or retained for any time whatever to the peril or prejudice of the lives or health of any person.

§ 2. No death certificate shall be valid unless signed by the Coroner, or a regular licensed physician.

§ 3. It shall be the duty of any person to report to the Department of Health the discovery or knowledge of the whereabouts of any dead human being, or any parts thereof, if there is any reason to believe that the death, or place of such body is not properly known.

§ 4. No person shall remove or dispose of any dead body of a human being by interment, cremation, or any other means, without a permit from the Health Officer; nor in any manner other than in accordance with the rules of the Department of Health.

§ 5. Whenever any person shall die in the city of Louisville, it shall be the duty of the physician who attended during his or

her last illness, and the duty of the Coroner, when the case comes within the discharge of his duties as prescribed by law, to furnish the Health Officer within twenty-four hours from the death of the patient a certificate setting forth, as far as can be ascertained, the full name, occupation, sex, color, age, whether married or single, duration of last illness, and the date of the death of such deceased person.

§ 6. It shall be the duty of any undertaker, or any person having charge, before removing any corpse from the place where death occurred, to apply for, and obtain, a permit from the Health Department, which permit shall not be given before the filing with the Department of Health of a certificate, signed by the attending physician, or the Coroner, stating the facts as called for in the blanks of the department, and said permit must be applied for by the undertaker, or other person having charge of the remains within twelve hours after the notification of death.

§ 7. In case an inquest is necessary, it shall be the duty of the Coroner to notify the Department of Health before permit is issued.

§ 8. No undertaker or other person, shall use any vehicle other than a hearse, for the conveyance of the body of any person whose death was caused by any of the infectious or contagious diseases specified in Section 11 of this ordinance, nor shall the body of such person be carried into any church, hall, or public place. The body of any person who died from any of said specified infectious or contagious diseases shall not be brought into the city without special permit.

§ 9. No person in charge of any vessel, car, or conveyance of any kind, public or private, shall convey or allow to be conveyed in or through the city of Louisville the body of any dead human being, without a permit from the Department of Health.

§ 10. In case of death from any pestilential disease, cerebral meningitis, small-pox, variloid, scarlet fever, relapsing fever, typhus fever, cholera, diphtheria, diphtheritic croup, yellow fever, or measles, it shall be the duty of the person in charge of such deceased person to obtain a permit from the Health Officer, and to cause him or her to be buried within twenty-four hours; and the person in charge of the funeral of persons dying of any of said diseases must so conduct such funeral as to be absolutely private. The remains of any person who died from a contagious disease, such as diphtheria, diphtheritic croup, relapsing fever, scarlet fever, yellow fever, typhus fever, cholera, cerebro spinal meningitis, or measles, shall not be admitted to any tomb or vault, public or private; provided, that a body which may have died of any of the above named diseases may be permanently

entombed in a private vault, when said body is thoroughly embalmed and hermetically sealed in said tomb.

§ 11. No person shall invite any other person to any funeral, or any services connected therewith, whose attendance is not necessary, to whom or through whom there is danger of contagion being communicated or spread. Whenever any person shall die from any of the contagious or infectious diseases, such as Asiatic cholera, relapsing fever, yellow fever, typhus fever, cerebro spinal meningitis, small-pox, variloid, scarlet fever, diphtheria, diphtheritic croup, or measles, the undertaker having charge of the preparation and interment of the remains shall be the only person authorized to insert public notice of death, and he shall state the cause of death in such notice, for which he shall be held responsible.

§ 12. No disinterment shall be made except between sunrise and sunset; and during the months of May, June, July, August and September no body shall be disinterred within five (5) years after disease; and in cases where the person died of contagious disease the remains can be disinterred only during the months of November, December, January, February and March. This section applies to all removals, whether from a cemetery or from one grave to another in the same cemetery.

§ 13. Every grave must be at least six feet deep, and four feet below the grade or level of any adjacent street.

§ 14. No person in charge of any receptacle for the dead shall receive for burial or disposition any body without an accompanying certificate and permit from the Health Officer.

§ 15. Every sexton or person having charge of any tomb, vault, cemetery, crematory, or other receptacle for the dead, must register his name, address, and nature of his duties with the Health Department, and shall, on Monday of each week, make a report of all bodies buried in accordance with the requirements of the Health Department. He shall not permit any dead body to be kept in any receiving vault over seventy-two hours, between May 1st and November 1st, unless said body has been thoroughly embalmed and placed in a strong, hermetically sealed case.

§ 16. No body shall be removed from the city by public conveyance, unless prepared in accordance with the specifications adopted by the Health Department.

§ 17. It shall be the duty of any person having charge of articles used at funerals of persons, who died of any infectious or contagious disease, to have the same properly disinfected before being used again.

§ 18. No person shall bury any body of a human being in any place other than a registered burial ground, without a specific permit from the Health Officer.

§ 19. All overground vaults must be made of stone, granite, or marble, well cemented, and substantially built.

§ 20. It shall be the duty of the undertaker in charge if a person dies of an infectious or contagious disease, if such body is to be sent out of the city limits, to make affidavit, if required, when the body is presented for shipment, that it is prepared according to the rules of the Department of Health.

§ 21. All dead bodies brought into the city from a distance must be buried by permit from the Health Officer, which the undertaker must obtain before removal for burial.

§ 22. The undertaker in charge of bodies of persons dying from small-pox, diphtheria, yellow fever, scarlet fever, typhus fever, or other pestilential diseases, shall at once cause the body to be disinfected, wrapped in a sheet wet with a solution of bichloride of mercury, 1 to 500, and placed immediately in a coffin, the under surface of which must be lined with raw cotton, and made absolutely tight, and not reopened. No body of a person who died of any infectious or contagious disease, shall be placed in ice boxes.

§ 23. Any person violating any of the provisions of this ordinance shall be fined not less than twenty-five dollars nor more than fifty dollars for each offense.

§ 24. This ordinance shall take effect from and after its passage.

Approved May 14, 1898.

CARBOLIC ACID.

AN ORDINANCE to regulate the sale and disposition of carbolic acid within the city of Louisville.

Be it ordained by the General Council of the city of Louisville:

§ 1. That it shall be unlawful for any person, firm or corporation to sell, trade or give away carbolic acid, pure or in combination, of a greater strength than ten percentum within the city limits of the city of Louisville, except upon the prescription of a licensed physician, dentist, or veterinarian; provided, that the provisions of this section shall not apply to crude carbolic acid, nor to carbolic acid when mixed with equal portions each of glycerine and alcohol, nor to sales at wholesale by jobbers, manufacturers or dealers to retail druggists, licensed practicing physicians, or to each other, nor to sales at retail by retail druggists to regular practitioners of medicine, dentistry or veterinary medicine, nor to sales made to manufacturers of

proprietary or pharmaceutical preparations for use in the manufacture of such preparations, nor to sales made to hospitals, colleges, scientific or public institutions.

§ 2. A violation of any of the provisions of this ordinance shall be punished by a fine of not less than \$5.00 nor more than \$50.00, and each separate sale or disposition in violation hereof shall constitute a separate and distinct offense.

§ 3. This ordinance shall take effect from and after its adoption, approval and publication.

Approved February 13, 1907.

CAVE HILL CEMETERY.

AN ORDINANCE for the protection of Cave Hill Cemetery.

Be it ordained by the General Council of the city of Louisville:

§ 1. Any person who shall mutilate, deface or otherwise injure any tomb stone, monument, vault, vase, inclosure, furniture, ornament, building, or structure of any description, tree, shrub, flower (wild or cultivated), or who, without permission obtained from Cave Hill Cemetery Company, shall erect, build, plant, cut, or remove any tomb stone, monument, vault, vase, inclosure, furniture, ornament, tree, plant, shrub, building, or other structure, or interfere with any grave in said cemetery shall be fined not less than twenty-five dollars nor more than one hundred dollars for each offense.

§ 2. No person, except those to whom certificates, granting right of burial, have been issued and their accompanying friends, shall enter Cave Hill Cemetery at any time without permission, and all persons are prohibited from entering or leaving said cemetery grounds except through the gate provided by the Cave Hill Cemetery Company for that purpose.

§ 3. No person shall climb any tree (without permission of Cave Hill Cemetery Company), lie down or sit down upon any grave or walk, nor participate in any loud or angry discussion, nor use any profane language, within said cemetery.

Any person who shall disturb the quiet or good order of said cemetery by noise or improper conduct may be compelled instantly to leave the premises.

§ 4. It shall be unlawful to drive or ride faster than a walk or to leave any horse unfastened or unhitched in said cemetery. No refreshments nor liquors of any kind are allowed in said cemetery. All hunting, fishing, or disturbance of fish or birds, and the discharge of any fire-arms, fire-works, or missiles (with-

out special permission of Cave Hill Cemetery Company), by the use of gun-powder or other explosives within, into, or over any portion of said cemetery, is hereby prohibited.

§ 5. Any person who shall violate any provision in Sections 2, 3 or 4 of this ordinance shall be fined not less than five dollars nor more than fifty dollars; and all fines imposed by this ordinance shall be recovered as other fines in the Police Court of the city of Louisville.

§ 6. The superintendent, gate-keeper, and all persons appointed and qualified as private policemen of the city of Louisville, upon the application of the Cave Hill Cemetery Company, shall have full authority to enforce this ordinance, and to arrest any person or persons violating any provision thereof.

§ 7. All ordinances in conflict with this ordinance are hereby repealed.

§ 8. This ordinance shall take effect from its passage.

Approved December 29, 1899.

CEMETERIES.

AN ORDINANCE concerning the Portland Cemetery.

Be it ordained by the General Council of the city of Louisville:

§ 1. That the City Engineer be and he is hereby required to survey and plat the Portland Cemetery, showing on said plat the names of the streets and alleys thereof, and the number of all lots therein; and the names of owners of all lots or graves therein; and he shall furnish a copy of same to the City Treasurer, the Health Officer, and the sexton of said cemetery.

§ 2. The cost of full lots in said cemetery shall be twenty (\$20) dollars each; half lots ten (\$10) dollars each; single graves for adults, five (\$5) dollars each; and single graves for infants, three (\$3) dollars each.

§ 3. All sales of lots or graves shall be made by the City Treasurer, who shall give a certificate thereof to the purchaser; and no permit shall be issued by the Health Officer for the burial of any person in said cemetery unless the application therefor be accompanied by the certificate of the City Treasurer, showing the purchase of a lot or grave, as the case may be, or unless the plat of said cemetery shows a purchase of a lot or grave therefor made, entitling the deceased to a burial in same.

§ 4. It shall be the duty of the City Treasurer when he sells a lot or grave, as herein provided, to at once enter the same on the plat of said cemetery, notify the sexton of the cemetery

and the Health Officer thereof, giving name of the person purchasing same, and describing said lot or grave by number and street or alley, so that the same may be identified; and said sexton and the Health Officer shall at once enter the same on their respective plats of said cemetery.

§ 5. The sexton shall report to the Health Officer, on the second Tuesday in each month, all burials made by him in the preceding month, which report shall contain the name of the person, whether adult or infant, and the number of the lot in which the grave was made, so that the same may be identified.

§ 6. The Health Officer shall report to the General Council, at their first meeting in January and June in each year, the number of burials made in said cemetery, and the number of lots sold during the preceding half year; and the City Treasurer shall report at the same time to the General Council all moneys received by him from the sale of lots or graves during the same period.

§ 7. Any person violating any provision of this ordinance shall be fined not more than twenty nor less than five dollars for each offense.

§ 8. This ordinance to take effect from and after its passage.

Approved September 16, 1895.

CEMETERIES.

AN ORDINANCE to prevent the establishment of additional cemeteries, public or private, in the city of Louisville.

WHEREAS, On account of the condition of the soil and the locality where the city of Louisville is situated, it is deemed injurious to the health of the inhabitants of said city to bury the bodies of dead human beings within the limits of said city:

Now, therefore, in the exercise of the police powers vested in the city of Louisville,

Be it ordained by the General Council of the city of Louisville:

§ 1. That it shall be unlawful for any person, firm or corporation to hereafter establish within the limits of the city of Louisville a cemetery, public or private, for the purpose of burying therein the body of any dead human being, and any such cemetery is hereby declared to be a public nuisance.

§ 2. That any person, firm or corporation that shall violate the provisions of Section 1 of this ordinance, shall be subject to

a fine of not less than \$50 nor more than \$100 for each offense, and the burial of the body of any dead human being in any cemetery not now established or maintained within the limits of the city of Louisville shall be deemed a separate offense.

§ 3. That it shall be the duty of all officers and patrolmen of the Police Department to arrest and prosecute all offenders who violate any provision of this ordinance.

§ 4. That this ordinance shall take effect from its passage.
Approved December 26, 1901.

CITY ATTORNEY AND ASSISTANT CITY ATTORNEY.

Defining Their Terms of Office.

AN ORDINANCE to define the term of office of the City Attorney and Assistant City Attorney of the city of Louisville.

Be it ordained by the General Council of the city of Louisville:

That the term of office of the City Attorney and the Assistant City Attorney of the city of Louisville shall be four years, and shall begin on the 15th day of December, in the year of our Lord, 1896, and on the 15th day of December in every fourth year thereafter.

Approved November 7, 1896.

CITY ATTORNEY AND ASSISTANTS—SALARIES.

AN ORDINANCE to fix the salaries of the City Attorney, the First Assistant City Attorney and the Second Assistant City Attorney.

Be it ordained by the General Council of the city of Louisville:

§ 1. That the salaries of the City Attorney, First Assistant City Attorney and Second Assistant City Attorney of the city of Louisville, appointed by the Mayor as authorized by an act of the General Assembly of the Commonwealth of Kentucky, approved March 21, 1902, shall be as follows: The City Attorney shall receive five thousand dollars per annum, payable

in monthly installments. The First Assistant City Attorney shall receive three thousand dollars per annum, payable in monthly installments. The Second Assistant City Attorney shall receive two thousand five hundred dollars per annum, payable in monthly installments. They shall not be entitled to any attorney's docket or other fees, or any additional compensation for their services.

§ 2. To the extent that any ordinance is in conflict with this ordinance the same is hereby repealed.

§ 3. This ordinance shall take effect from and after its passage.

Approved December 19, 1904.

CITY ATTORNEY.

Stenographer and Typewriter.

AN ORDINANCE concerning the employment of a stenographer and typewriter by the City Attorney.

Be it ordained by the General Council of the city of Louisville:

§ 1. That the City Attorney be and is hereby authorized and empowered to appoint and employ a stenographer, who shall be also a typewriter, at a salary of eighty-five dollars per month, said salary to be paid monthly.

§ 2. That it shall be the duty of said stenographer to do all the short-hand and typewriter work in the office of and for the City Attorney in the discharge of his official duties.

§ 3. That said stenographer shall receive no compensation in addition to his salary for taking depositions in behalf of the city.

§ 4. That all ordinances and resolutions in conflict with this ordinance are hereby repealed.

§ 5. That this ordinance shall take effect from and after its passage.

Approved February 28, 1898.

CITY ATTORNEY'S OFFICE.

AN ORDINANCE concerning the Law Department of the city of Louisville.

Be it ordained by the General Council of the city of Louisville:

§ 1. That there shall be hereafter in the Law Department of the city of Louisville the following additional employes, viz: One bookkeeper, one abstractor of titles, and one messenger, each of whom shall be appointed by the City Attorney, with the approval of the Board of Aldermen, and subject to removal by the City Attorney at pleasure.

§ 2. That the bookkeeper in the Law Department shall be a competent and experienced accountant, who shall keep a full and accurate account of all unpaid tax bills heretofore or hereafter listed with the City Attorney for collection; the disposition of the same, whether sued on or not; the amount collected thereon, with interest and costs; the amount of taxes, interest and costs paid by the City Attorney or Assistant City Attorney to the Tax Receiver; to keep the dockets of cases for and against the city posted and stepped; and keep such other accounts as may be required of him from time to time by the City Attorney. He shall receive a salary while in office at the rate of fifteen hundred dollars per annum, payable monthly.

§ 3. That the abstractor of titles in the Law Department shall be a licensed attorney, competent and experienced in the examination of titles, whose duty it shall be to make and furnish in writing such abstract of the title of each piece of real estate under lien to the city for taxes, on which suit has been or may be brought to enforce such lien as may be required by the City Attorney or Assistant City Attorney, so that all persons holding liens thereon or interested therein may be made parties defendant, and be brought before the court in such action before judgment; and he shall perform such other duties with respect to the title to any piece of real estate on which the city may have a lien for taxes, or which the city may purchase, as shall be required of him by the City Attorney or Assistant City Attorney. He shall receive a salary while in office at the rate of fifteen hundred dollars per annum, payable monthly.

§ 4. That it shall be the duty of the messenger in the Law Department to take messages from the City Attorney's office to other offices in the City Hall or the Courthouse, to receive, carry and deliver papers in or connected with suits to which the city is a party, or in which it is interested, and perform such other services as may be required of him by the City At-

torney from time to time in said department. He shall receive a salary while so employed at the rate of three hundred and sixty dollars per annum, payable monthly.

§ 5. That an ordinance entitled "An ordinance concerning the Law Department of the city of Louisville," approved October 18, 1901, be and the same is hereby repealed, and this ordinance is adopted in lieu thereof.

Approved April 29, 1907.

CITY ATTORNEY'S OFFICE.

Additional Employees In.

AN ORDINANCE concerning the Law Department of the city of Louisville.

Be it ordained by the General Council of the city of Louisville:

§ 1. That the following additional employes in the Law Department of the city of Louisville be, and the same are hereby authorized, viz: a law clerk, an additional abstractor of titles, and an additional stenographer, each of whom shall be appointed by the City Attorney, with the approval of the Mayor, and subject to removal by the City Attorney at pleasure.

§ 2. The law clerk shall be a licensed attorney, of at least five years' practice at the bar, who shall discharge such duties in connection with the collection of city taxes, and attend to such other matters in the Law Department as may be assigned to him by the City Attorney. His salary shall be two hundred dollars per month, payable monthly. Said additional abstractor of titles shall be a licensed attorney, with at least three years' practice at the bar, who shall discharge such duties in connection with the abstracting of titles to property under lien to the city for taxes, and attend to such other matters in the Law Department as may be assigned to him by the City Attorney. His salary shall be one hundred and twenty-five dollars per month, payable monthly. Said additional stenographer shall also be an experienced typewriter, and shall do such work in either line as may be assigned by the City Attorney, and shall receive therefor a salary of seventy-five dollars per month, payable monthly, but shall be entitled to no additional compensation for taking depositions in behalf of the city.

§ 3. This ordinance shall take effect from and after its passage.

Approved March 14, 1905.

CITY ATTORNEY.**Law Clerk.**

AN ORDINANCE creating the office of Law Clerk to the Mayor and fixing the salary thereof.

Be it ordained by the General Council of the city of Louisville:

§ 1. That the office of law clerk to the Mayor is hereby created, and that the Mayor of the city of Louisville shall have the right to appoint for a term not exceeding four years, a law clerk, who shall perform such services as the Mayor may, from time to time, direct, and shall, at the instance of the Mayor, assist in the giving of advice and the rendering of legal services to the city. The salary of said law clerk shall be \$1,500 per annum, payable in monthly installments of \$125, as other city officers are paid.

§ 2. That all ordinances or resolutions in conflict with this ordinance be, and the same are hereby, repealed.

§ 3. This ordinance shall take effect from and after its passage.

Approved January 13, 1902.

CITY ATTORNEY.**Claim Agent.**

AN ORDINANCE concerning the office of Claim Agent in the Law Department.

Be it ordained by the General Council of the city of Louisville:

§ 1. That there shall be in the Law Department of the city of Louisville one claim agent, who shall be appointed by the Mayor, and subjected to removal by the Mayor's pleasure. He shall receive a salary while in office at the rate of fifteen hundred (\$1,500) dollars per year, payable monthly. He shall assist the City Attorney in the preparation of actions in which the city is interested, and shall perform such other duties as may be assigned him by the City Attorney.

§ 2. All ordinances or resolutions in conflict with this ordinance are hereby repealed.

§ 3. This ordinance shall be in effect from and after its publication.

Approved August 11, 1908.

CITY BUYER.

AN ORDINANCE regulating the office and defining the duties of the City Buyer and fixing his salary, and fixing the number of employes in said office and their salaries.

Be it ordained by the General Council of the city of Louisville:

§ 1. That the office of City Buyer, authorized by the act for the government of cities of the first class, shall be regulated, and the duties of the City Buyer shall be as defined by statute and the provisions of this ordinance.

§ 2. It shall be the duty of the City Buyer to purchase all animals, commissary or subsistence stores, medical and naval stores, stationery, ironmongery, tools, implements, instruments, machines, fuel, forage, electrical and telegraph stores and supplies, lumber, brick, stone, cement, drain pipe, sand, gravel and any and all articles used by the city in the construction, repair or maintenance of the public buildings, and the public ways, and the repair of the public sewers and drains of the city and all articles or supplies to be furnished the various institutions, officers and departments of the city.

§ 3. Before purchasing any articles, as provided in Section 2 hereof, the City Buyer shall have a requisition therefor, in such form as shall be provided by the Comptroller, with the approval of the Mayor, which requisition shall state the quantity and quality of the article or articles required, the place of delivery of the same, together with such specifications or samples as may be necessary to secure the exact article required, and said requisition shall also state the purpose for which the articles are intended. When such articles are of monthly or periodical consumption said requisition shall state the quantity required for such period, the amount of such article or articles then on hand, and the amount to be supplied by the City Buyer. Said requisition on the City Buyer shall be signed by the officer or person requiring the article or articles, and shall be approved by the chief of the department under whose employ or appointment said person may be, or the Mayor.

§ 4. When the City Buyer has purchased any article or articles, as provided in Section 3, he shall require the vendor to deliver to him duplicate invoices therefor, made out upon the billheads of the vendor; or, if required by the Comptroller so to do, he shall require him to make out said invoices upon blank forms supplied by the Comptroller. In the first instance he shall forward one of said bills to the person requiring an accounting for such article or articles, and shall file the other bill

in his office. In the second instance, he shall use the blanks supplied by the Comptroller, and shall comply with all of the requirements of the ordinance prescribing the manner in which claims against the city shall be made. In all cases the City Buyer shall require and keep on file in his office an acknowledgment of the receipt of the article or articles so called for, signed by the officer making the requisition in person.

§ 5. That no contract for any article, supplies, material, live stock or other personal property needed by any officer, institution or department of the city shall be or continue to be for a longer time than the end of the fiscal year, in which such contract shall be made.

§ 6. It shall be the imperative duty of the City Buyer at all times, to the best of his ability, to subserve the best interests of the city in his department and to see that all specifications for the purchase or sale of articles, materials and supplies for the city are properly drawn, and all purchases made so as to prevent overcharges, extortions or impositions, and to secure the articles, supplies or materials required at the lowest possible price. Whenever the City Buyer shall be required to purchase articles, materials or supplies to the amount of \$25.00 or over, it shall be his duty to post a public notice in the most conspicuous place in his office, which notice shall state the amount or quantity, quality and nature of the articles, materials or supplies desired, and the place or places where, and times when the same are to be delivered, and full specifications concerning the same: and said notice shall further state that bids in writing will be received at the City Buyer's office for such articles, materials or supplies until 4 p. m. of the second day after the notice is posted. The purchase shall not be made until after said hour, and the City Buyer shall keep a record of every bid made, which shall at all times be open to public inspection.

In addition to posting the notice aforesaid, it shall be the duty of the City Buyer to use every effort by telephone, correspondence or otherwise to induce further competitive bidding. All bids shall be sealed and in writing, and opened publicly after the hour named in the notice.

Nothing in this section shall be construed to relieve the City Buyer from endeavoring to obtain competitive bidding for articles, materials or supplies to the amount of less than twenty-five (\$25.00) dollars wherever such effort would be reasonable.

§ 7. A joint committee of three shall be appointed, two by the president of the Board of Councilmen and one by the president of the Board of Aldermen, whose duty it shall be to examine into all contracts, lettings and purchases in the City Buyer's department, and see that the same conform to the provisions of this ordinance, and the said committee shall report

monthly to their respective boards. And it shall be the duty of the presidents of the Boards of Aldermen and Councilmen, in the regular order of business, to call for a report from this committee at the first meeting of the General Council in each month. This committee shall have access to all books, papers, bids, lettings and contracts in the City Buyer's department, and it shall be the duty of the City Buyer and his clerk to render the said committee all the assistance necessary to obtain any and all information concerning the departments, or to expedite the work of the committee.

§ 8. That it shall be the duty of the City Buyer to make sale, publicly or privately, in his discretion, on the best terms he can obtain, of all live stock or material in the fire, police and other departments of the city where such live stock or material has become unfit for further service or use in such departments, and after the same shall have been condemned by the chief or head of said department, the condemnation papers having been approved by the board governing said department.

§ 9. That all materials, supplies, live stock, or other personal property, whenever the same shall become unfit for use by the city of Louisville in any of its departments, shall be promptly reported by the chief of such department to the executive board having control of such department; and the said board, after receiving such report or notice, shall examine into the condition of the material, supplies, live stock, or other personal property, and if, in the judgment of a majority of the members of the said board, the same is unfit for further use by the city or the department which has had the use of the same, said board shall at once notify the City Buyer, giving him a list of the articles, their condition, quantity, where located, etc., in order that he may sell the same and make report thereof; and it shall be the duty of the City Buyer to keep in the front part of his office, outside the railing, a bulletin board headed "For Sale by the City Buyer," upon which he shall note, immediately on receipt of notice from said board, the articles to be sold, a brief description thereof and the time and place of sale, which notice shall remain on said bulletin board until the sale of said articles shall have been made.

Said notice shall remain posted upon the bulletin board for at least three days before the sale shall be made and the City Buyer may, where the article to be sold is, in his judgment, of sufficient value to justify the expense, advertise such sale by one insertion in one or more of the daily newspapers authorized to do the city printing. He shall, in all instances, take sealed bids for the property to be sold by him under this section.

§ 10. That it shall be the duty of the City Buyer promptly after each sale to report to the Board of Public Safety or the Board of Public Works, as the case may be, the sale, the articles sold, the price or prices obtained, and the name of the purchaser or purchasers. All such sales shall be made for cash, and the proceeds shall be paid immediately by the purchaser or purchasers to the City Treasurer, who shall pass the same to the credit of the fund for general purposes.

§ 11. That any officer or employe of the city of Louisville that shall sell or dispose of any materials, supplies, live stock, or other personal property of the city of Louisville, which shall have become unfit for further use in any department of the city, otherwise than as is provided for by this ordinance, or who shall fail or refuse to perform any duty imposed upon him by any provision of this ordinance, shall be subject to a fine of not less than ten dollars nor more than one hundred dollars for each offense, to be recovered in the Police Court of the city of Louisville.

§ 12. The City Buyer shall keep in his office, properly indexed and filed, all requisitions, all advertisements for bids, all the bids themselves and the letting sheets therefor, all condemnation papers, all advertisements for sales, and an itemized account of said sales, and shall keep such books and accounts, and shall also make such reports at such times and in such form as the Comptroller may prescribe.

§ 13. That the City Buyer shall execute bond in the sum of ten thousand dollars, with good surety, conditioned for a faithful performance of all his duties as required by law and the provisions of this ordinance, said bond to be approved by the General Council and filed with the Comptroller. This bond shall be executed within ten days after his appointment shall have been approved by the Board of Aldermen.

§ 14. That nothing in this ordinance shall be construed to conflict or dispense with the requirements of the statutes that all purchases by the City Buyer shall be approved by the Mayor if the amount to be expended be under \$2,000, and by the General Council and Mayor if the amount exceed \$2,000.

§ 15. The City Buyer shall have the authority, by and with the approval of the Mayor, to appoint an Assistant City Buyer, a stenographer and a messenger. The City Buyer shall receive a salary at the rate of \$2,500 per annum, payable monthly. The Assistant City Buyer shall receive a salary at the rate of \$2,000 per annum, payable monthly. The stenographer shall receive a salary at the rate of \$900 per annum, payable monthly. The messenger shall receive a salary at the rate of \$600 per annum, payable monthly.

§ 16. That all ordinances and parts of ordinances in conflict with this ordinance be and the same are hereby repealed.

§ 17. That this ordinance shall take effect from its passage.

Approved December 13, 1907.

CITY GAUGER.

AN ORDINANCE relating to the office of City Gauger and defining the duties and fixing the fees of such Gauger.

Be it ordained by the General Council of the city of Louisville:

§ 1. That in the month of December, 1904, and every second year thereafter, the General Council shall elect one person as Gauger, to continue in office two years and until his successor is qualified, and he may appoint a deputy from time to time, as needed. The Gauger shall keep an office in some central place, and whenever called on attend at any place in the city and gauge any package or packages of a liquid nature and deliver the applicant a true certificate of the contents of the said package or packages.

§ 2. He shall keep in a suitable book, subject to the inspection of the persons interested, a register of all articles gauged by him, an abstract of which, with a statement of the amount of fees received, shall be reported by him under oath to the General Council at least once a year, and oftener if required.

§ 3. He shall also keep in his office a book in which all orders for gauging are to be entered, and unless for good cause shown, they shall be fulfilled in that order by him, under a penalty of not less than \$5 nor more than \$20.

§ 4. The Gauger may charge the person for whom the gauging is done the following fees:

For gauging vinegar, oil, petroleum or benzine, for each barrel 7½ cents.

For a single barrel of any of the above, 15 cents.

For gauging varnishes or turpentine, 15 cents for a barrel, pipe or half pipe.

For gauging other liquids not named the same as for gauging vinegar.

§ 5. It shall not be lawful for any person other than the one elected under the provisions of this ordinance, or his deputy, to perform any service required to be performed by said ordinance, and any party or parties violating its provisions shall be liable to a fine of \$25 for each offense.

§ 6. This ordinance shall take effect from and after its publication.

Approved November 7, 1904.

CITY HOSPITAL.

AN ORDINANCE providing for a room, furniture and appliances at the City Hospital, suitable for the insane.

Be it ordained by the General Council of the city of Louisville:

That the Board of Public Safety are hereby authorized and instructed to prepare and cause to be established at the City Hospital a room for the reception, custody, and treatment of the insane patients that may be sent to said hospital; that said room shall be furnished with one iron bed or crib, such as is used at the lunatic asylum at Lakeland, and known as No. 46, Smith and Davis Manufacturing Company, or one equal to same, and such muffs, strips, and bandages, and other appliances necessary for the purposes of said room, the cost thereof to be charged to charity institutions. This ordinance to take effect from and after its publication.

Approved March 15, 1897.

CLAIMS.

AN ORDINANCE prescribing the manner in which claims against the city of Louisville shall be made.

Be it ordained by the General Council of the city of Louisville:

§ 1. That all claims against the city of Louisville shall be made out in duplicate upon the printed forms furnished by the Comptroller, and shall be certified to by the officer ordering the work or material, who shall state the authority therefor. Said certification shall be made to the Auditor and the claims so certified shall be registered in the order of their reception by the Auditor, and all claims approved by the Auditor shall be transmitted by him to the Comptroller.

§ 2. All such claims, when received by the Comptroller, shall be registered by him and numbered in the order of their reception by him in a book kept for that purpose, showing the

titles of accounts to which such claims are chargeable, both the original and duplicate to bear evidence of registration by date, number and folio of register.

§ 3. That no claims shall be entertained by the General Council unless made out in accordance with Sections 1 and 2 of this ordinance.

§ 4. That upon the passage by the General Council and approval by the Mayor of any claim, the Comptroller shall file in his office the original, and shall attest and deliver to the owner thereof the duplicate of such claim.

§ 5. That upon the presentation to the Auditor of such duplicate, properly certified and attested, as hereinbefore provided, he shall issue his warrant for the amount of said claim, and shall take the receipt of the holder of the claim thereon, which claim, with the said receipt, shall be filed in his office.

§ 6. When the claim is in the form of a pay-roll, such pay-roll shall be made out upon the form furnished by the Comptroller, and shall be certified by the chief of the department or by the president of the board under whose authority the expenses are created, except that the pay-roll of city officers and other employes shall be made out by the Comptroller, and certified by the Mayor to the Auditor for registration and approval, and when registered and approved by the Auditor the same shall be transmitted by said Auditor to the Comptroller for registration, and all the conditions and regulations of other claims as hereinbefore provided shall be observed. After the pay-roll shall have passed the General Council, the Auditor shall draw his warrant in favor of each person whose name appears upon said pay-roll, and upon the delivery of such warrant such roll shall be signed by such person.

§ 7. No warrant shall be issued by the Auditor, or money paid by the Treasurer, except in conformity with the provisions of this ordinance and passage of the claim by the General Council.

§ 8. An ordinance approved January 23, 1894, entitled, "An ordinance prescribing the manner in which claims against the city of Louisville shall be made," is hereby repealed.

§ 9. This ordinance shall take effect from and after its passage.

Approved September 10, 1909.

CLERKS OF THE BOARDS OF THE GENERAL COUNCIL.

AN ORDINANCE concerning the clerks of the boards of the General Council.

Be it ordained by the General Council of the city of Louisville:

§ 1. That each board of the General Council shall elect, at the time of its first organization after its election, a competent clerk for the term for which said board is elected, whose duty it shall be to keep a correct journal of the proceedings of the board in which he is elected, perform the duties of clerk at the meetings of said board, and keep in his possession, subject to the orders of the General Council, all papers and property belonging to said board.

§ 2. That the clerks so chosen shall be and are hereby made *ex-officio* clerks to the Comptroller, and in such capacity shall be the custodian of all such records as the Comptroller may designate, and shall, under the direction of the Comptroller, prepare all distraint and garnishment warrants provided for in Sections 215 and 218 of "An act for the government of cities of the first class," approved July 1, 1893, and the amendments thereto.

§ 3. That the clerks of said boards shall, each, receive a salary of two thousand dollars per annum, to be paid monthly in the same manner that the salaries of other city officers are paid.

§ 4. This ordinance shall take effect from and after the expiration of the terms of office of the present incumbents.

Approved April 21, 1899.

CLOSING PUBLIC OFFICES.

AN ORDINANCE relating to the closing of the public offices of the municipal government of the city of Louisville.

Be it ordained by the General Council of the city of Louisville:

§ 1. That it shall be lawful for the public offices of the municipal government of the city of Louisville to be closed at 1 o'clock p. m. on Saturday throughout the whole or any part of the year.

Approved August 24, 1904.

COMPTROLLER'S CLERK.

AN ORDINANCE providing for a clerk for the City Comptroller.

Be it ordained by the General Council of the city of Louisville:

§ 1. That the City Comptroller, with the approval of the Mayor, shall have the power to appoint a clerk for his office, who shall perform such duties as may be directed by the City Comptroller or by ordinance.

§ 2. That the said clerk shall receive a salary of two thousand dollars per annum, payable monthly.

§ 3. That this ordinance shall take effect from its passage.

§ 4. The ordinance providing for a clerk for the City Comptroller, which was approved December 30, 1901, is hereby repealed.

Approved April 17, 1905.

COMPTROLLER—ADDITIONAL CLERK.

AN ORDINANCE providing for an additional clerk for the City Comptroller.

Be it ordained by the General Council of the city of Louisville:

§ 1. That the City Comptroller, with the approval of the Mayor, shall have the power to appoint an additional clerk for his office, who shall perform such duties as may be directed by the City Comptroller, or by ordinance.

§ 2. That said clerk shall receive a salary of one thousand (\$1,000) dollars per annum, payable monthly.

§ 3. That an ordinance entitled "An ordinance providing for an additional clerk for the City Comptroller," and approved January 24, 1906, be and the same is hereby repealed.

§ 4. That this ordinance shall take effect from its passage.

Approved April 29, 1907.

CONTRACTS.

AN ORDINANCE concerning contracts for the construction and reconstruction of streets in the city of Louisville.

Be it ordained by the General Council of the city of Louisville:

§ 1. That in all contracts for the construction or reconstruction of streets in the city of Louisville with asphalt, granite, vitrified brick, or block, macadam, or other pavement authorized by ordinance, there shall be incorporated the following guaranty clause on the part of the contractor, to-wit:

"The party of the second part hereby guarantees the work done under this contract and the materials used in the construction of the same are free from defects or flaws; and this guarantee is for a term of five years from and after the acceptance of the work by the Board of Public Works. It is hereby especially agreed and understood that this guarantee shall not include any repairs made necessary by any cause or causes other than defective work or materials in the construction of the improvement.

"After the acceptance of the work by the Board of Public Works, the contractor agrees to deposit with the City Treasurer bonds of the city of Louisville or of the United States, amounting in the aggregate to 10 per cent. of the contract cost of the work herein provided for. Should any defect in the work or materials become apparent during the said guarantee period of five years, the party of the second part shall have notice in writing from the Board of Public Works of such defect, and he shall commence repairing same within three days after service of such notice, and shall prosecute the work of remedying such defect or defects with all due diligence to completion. Should he fail or refuse to begin said work to remedy said defective work or materials within three days after the service of said notice, the Board of Public Works may have said defects remedied and charge the same to the contractor; and to pay the expense of remedying such defects they may sell for cash as many of the bonds herein mentioned as may be necessary, said sale to be at public auction, at such time and place as the Board of Public Works may order, notice of said sale being given by one publication in the papers doing the public printing and advertising. At the end of said guarantee period of five years the unexpended balance of said bonds and interest, if any, shall be held subject to the order of said contractor.

"It is hereby further stipulated and agreed that the Board of Public Works shall be the exclusive judge of the existence of defects in the work or materials herein mentioned, and of

the extent of the work necessary to remedy the same; and, further, that the appointment of inspectors by the Board of Public Works for the supervision of same, to insure that the work and materials are in accordance with the plans and specifications for the improvements herein mentioned, and the supervision thereof by such inspector, shall in no wise relieve the contractor from the guarantee of his work as herein set forth.

"It is further stipulated and agreed by the contractor and his sureties that they will pay all damages for injuries to, or encroachments upon the private property of abutting lot owners, or other persons, in constructing the improvements herein mentioned, and will save the city of Louisville harmless from all loss and damage on that account; and the contractor and his sureties shall, in no event, be released from such liability, unless the injury to private property was done by the contractor under, and in, pursuance of the express written order of the Board of Public Works, certified by the secretary, and after reasonable notice in writing given by the Board of Public Works to the abutting lot owner or owners, or other person or persons to be affected, and it is agreed by the contractor and his sureties that no other authority whatever, verbal or written, shall release them from such liability to the city, nor to the owner of the property injured or damaged, nor waive the city's right to indemnity on account thereof."

§ 2. That in all contracts for the original construction of streets in the city of Louisville with any kind of pavement, in addition to the guaranty clause provided for in Section 1 of this ordinance, there shall be incorporated the following covenant on the part of the contractor, to-wit:

"It is further agreed by the contractor that for the contract price or cost of all work mentioned above, or required to be done by him under any of the provisions of this contract, he will look alone to the lot owners or the property described in the ordinance aforesaid; and that, in no event, shall he be entitled to recover any part thereof from the city of Louisville."

§ 3. That in addition to the general specifications for the construction and reconstruction of public ways with asphalt pavement as prescribed by general ordinance, the following specification is prescribed, to-wit:

"After the curb is set and pavement laid, hot asphaltum must be poured into the joints of the gutter and curb until it rises to and remains at the level of the pavement; but before this, the joints must be filled with sharp sand, heated to 200 degrees Fahrenheit."

§ 4. That all ordinances and parts of ordinances in conflict with this ordinance be and the same are hereby repealed.

§ 5. That this ordinance shall take effect from its passage.

The foregoing ordinance, having been presented to the Mayor, on October 9, 1900, and having been withheld by him beyond the day of the next regular meeting of the General Council, on October 16, 1900, and more than three days having intervened between the presentation to the Mayor and said meeting, and the General Council having actually met on said day, the same became obligatory as if signed by him, according to Section 2795, Kentucky Statutes, and takes effect from and after October 16, 1900.

S. F. HARLAN, C. B. C.

ALF. W. DAVIS, C. B. A.

Section 2 was declared invalid in *City vs. Bitzer*. 4 R., 2263.

CONVICT-MADE GOODS.

AN ORDINANCE concerning convict made goods, wares, and merchandise.

Be it ordained by the General Council of the city of Louisville:

§ 1. All goods, wares and merchandise made by convict labor in any penitentiary, prison, reformatory, or other establishment in or out of the State of Kentucky, in which convict labor is employed, and imported, brought, introduced, or offered for sale in the city of Louisville, shall, before being exposed for sale, be branded, labeled or marked, as hereinafter provided, and shall not be exposed for sale in any place within the city of Louisville without such brand, label, or mark.

§ 2. The brand, label, or mark hereby required shall contain, at the head or top thereof, the words, "convict made," followed by the year and the name of the penitentiary, prison, reformatory, or other establishment in which it was made, in plain English lettering and the style and size known as great primer Roman, condensed, capitals. The brand or mark shall, in all cases, where the nature of the article will permit, be placed upon the same, and only where such branding or marking is impossible shall it be placed upon the box or other covering of the same, or be attached to the article as a label. Said brand or mark shall be placed upon the most conspicuous part of the article or its covering, and said label, when used instead of a brand or mark, shall be attached in the most conspicuous place.

§ 3. It shall not be lawful for any person dealing in the city of Louisville in any such convict made goods, wares, or merchandise, manufactured in or out of the State of Kentucky,

knowingly to have the same in his possession for the purpose of sale, or to offer the same for sale, without the brand, mark, or label required by this ordinance, or to remove or to deface such brand, mark, or label. Any person offending against the provisions of this ordinance shall be, upon conviction thereof, sentenced to pay a fine of not exceeding five hundred dollars, or to be imprisoned for a term not exceeding twelve months, or both, in the discretion of a jury or court trying the case.

This ordinance shall take effect and be in force from and after its passage.

Approved August 27, 1897.

COST, MAXIMUM, OF WORK, LABOR OR MATERIAL.

And the Fund to Which Chargeable to be Inserted in Ordinances and Resolutions Involving Expenditure of Money.

AN ORDINANCE providing for the maximum cost of work and the fund to which it is chargeable, to be inserted in all ordinances and resolutions involving the expenditure of money.

Be it ordained by the General Council of the city of Louisville:

§ 1. That hereafter all ordinances and resolutions introduced into the General Council, involving the expenditure of money, shall contain the maximum cost of the work or labor to be done, or material furnished, certified to by the head of the department having same in charge, together with the name of the fund to which same shall be charged; and no more than said maximum price shall ever be paid for said labor, work, or material.

§ 2. All ordinances in conflict herewith are hereby repealed.

§ 3. This ordinance shall take effect from its publication.
Approved February 29, 1896.

DAY'S LABOR.

AN ORDINANCE fixing length of a day's work for the city of Louisville by rammers and pavers. .

Be it ordained by the General Council of the city of Louisville:

§ 1. That the length of a day's work for the city of Louisville by rammers and pavers shall be nine hours, as follows: From 7 o'clock a. m. to 12 o'clock m., and from 1 o'clock p. m. to 5 o'clock p. m.; and if any rammer or paver shall voluntarily labor for the city a longer time than nine hours on any day, he shall receive for the extra time a proportionate part of the per diem now fixed by ordinance, and the pay-rolls for rammers and pavers shall be made up, certified, registered, and allowed according to the provisions of this ordinance.

§ 2. That this ordinance shall take effect from its passage.
Approved March 22, 1900.

DAY LABORERS.

AN ORDINANCE fixing nine hours as a day for all laborers who work for the city of Louisville.

Be it ordained by the General Council of the city of Louisville:

§ 1. That hereafter nine (9) hours shall constitute a day for all laborers who work by the day for the city of Louisville, or in any of its departments, and in making up the pay-rolls for such laborers the compensation for a day's work shall be allowed for each nine hours of work done or performed by such laborer; and for all time such laborers may work voluntarily over and above nine hours each day additional compensation shall be allowed such laborers proportionately for such extra time.

§ 2. That all ordinances or parts of ordinances in conflict with this ordinance be and the same are hereby repealed.

§ 3. That this ordinance shall take effect from and after its passage.

Approved October 6, 1900.

DISEASES—REPORTS TO HEALTH OFFICER.

AN ORDINANCE concerning reports to be made to the Health Officer of certain diseases.

Be it ordained by the General Council of the city of Louisville:

§ 1. That every physician shall report in writing to the Health Officer immediately each and every case of consumption, whooping cough, or typhoid fever which he may be called upon to treat, or has now under treatment, within the city of Louisville, giving the full name, age, color, occupation, and residence of each patient, and if removed to any of the infirmaries or hospitals in the city, the place where the patient was removed from. The Health Officer shall preserve said reports in his office for his own use, and shall in no event allow the information contained therein to be made public or given out for publication.

§ 2. That any person who violates any of the provisions of this ordinance shall be fined not less than five dollars nor more than twenty dollars for each offense.

§ 3. This ordinance shall take effect from and after its passage.

Approved November 15, 1898.

DISEASES.

AN ORDINANCE to prevent the spreading of infectious and contagious diseases.

Be it ordained by the General Council of the city of Louisville:

§ 1. That every physician located or practicing in the city of Louisville who shall know that any person whom he or she is called upon to visit, or who comes or is brought to him or her for examination, suffering from or is afflicted with diphtheria, diphtheritic croup, scarlet fever, small-pox or varioloid, shall forthwith report the same to the Health Department, in writing, over his or her signature; state the name of the disease and the name, age, and sex of the person suffering therefrom, and shall set forth by street and number or otherwise sufficiently designate the house or room in which said person may be located.

§ 2. Upon receipt by the health authorities of a report of the existence of a case of diphtheria, diphtheritic croup, scarlet

fever, small-pox or varioloid, the Health Officer shall at once place, or cause to be placed, in a conspicuous manner upon or near the house or premises in which said case may be located, a placard or placards, upon which shall be printed in large letters the words, "diphtheria here," "scarlet fever here," and the display of a yellow flag for small-pox or varioloid, as may be the case; and said placard or placards, or flag, shall remain thereon until such time as the rules and regulations established by the proper health authorities regarding the destruction or disinfection of infected bedding, clothing, etc., shall have been carried out and fully complied with.

§ 3. The head of a family occupying any house or premises or near which such placard or placards or flags aforesaid may be placed, or any other person whatsoever, shall be liable for a fine or penalty, provided by this act, in case, where such placard or placards or flags are removed, defaced, covered up, taken down, or destroyed, with his or her knowledge, act, or consent before the time provided by Section two (2) of this act.

§ 4. It shall be the duty of the undertaker, or other person or persons, having the body of any one dying of above named diseases in charge, to thoroughly disinfect and place every such body within the coffin or casket in which it is to be buried within six (6) hours after first being called upon to take charge of the same; provided such call is made between the hours of 5 a. m. and 11 p. m.; otherwise such body shall be so placed in such coffin or casket within twelve (12) hours; the coffin or casket then to be closed tightly and not again opened, unless permission be granted by the Health Officer for special cause shown.

§ 5. The body of a person who has died of either of these diseases hereinbefore mentioned shall not remain unburied for a longer period of time than thirty-six (36) hours after death, unless special permission be granted by the Health Officer extending the time which such body may remain unburied for special cause shown. The head of the family, or the person or persons having charge of the funeral of such body, shall be responsible for any violation of the provisions of this section.

§ 6. All services held in connection with the funeral of the body of a person who has died of either of these diseases hereinbefore mentioned must be private, and the attendance thereat shall include only the immediate adult relatives of the deceased and the necessary number of adult pall-bearers; the head of the family or other person or persons having charge of said funeral services shall be responsible for any violation of the provisions of this section.

§ 7. The body of a person who has died of either of these diseases hereinbefore mentioned shall in no instance be taken into any church, chapel, public hall, or building for funeral

services. The head of the family, or person or persons having charge of said funeral services, and the sexton, janitor, or other person or persons having control of such church, chapel, public hall, or building, shall be responsible for any violation of the provisions of this section.

§ 8. No child or other person belonging to or residing with the family of any person, or residing in the same house in which any person may be located, who is suffering from diphtheria, diphtheritic croup, scarlet fever, small-pox or varioloid, shall be permitted to attend any public, private, parochial, or other school; and all school principals or other persons in charge of said schools are hereby required to exclude any and all such children and persons from said schools; said exclusion to continue for a period of twenty (20) days following the recovery or death of the person last afflicted in said house or family; and all such children or other persons, as aforesaid, before being permitted to attend or return to school, shall furnish to said principal or other person in charge of said school, a certificate, signed by said medical attendant of said children or persons, or by a physician to be designated by the health authorities, setting forth that the twenty (20) days mentioned in this section have fully expired.

§ 9. Any physician, undertaker, principal, head of family, or other person or persons, as aforesaid, who shall fail, neglect, or refuse to comply with, or who shall violate any of the provisions or requirements of this act, or of the rules and regulations of the aforesaid health authorities, under and by virtue of the provisions of this act, shall, for every offense, upon conviction thereof before the City Court, be fined not less than ten nor more than one hundred dollars for each offense. Each day he fails, refuses, or neglects the same to be a separate offense.

§ 10. That any person who shall have the small-pox, and refuse, on the demand of the Health Officer, to be sent or taken to the Eruptive Hospital, or to remain at said hospital, after being sent or taken thereto, during his or her illness from said disease, or before being discharged therefrom by its superintendent, shall be fined not less than twenty-five dollars, nor more than one hundred dollars for each offense.

§ 11. It shall be the duty of all inhabitants of the city of Louisville, who have not been vaccinated, or, if vaccinated, not successfully, to procure their own vaccination, or revaccination, as the case may be, within ten days from the passage of this ordinance; and all persons who shall fail, or refuse, to comply with this section of this ordinance within the time prescribed herein, or shall fail, or refuse, on the demand of the Health Officer, to submit to vaccination by him, or by the physician of the Eastern or Western district, or some other reputable phy-

sician of the city of Louisville, shall be fined in any sum, not less than five dollars, nor more than fifty dollars, for each offense.

§ 12. No principal of any school, and no principal or teacher of any private, sectarian, parochial, or other school, shall admit to any school any child or minor who shall not have been properly vaccinated. The evidence of such vaccination shall be a certificate signed by the Health Officer or any practicing physician.

§ 13. The Health Officer is hereby empowered to visit any and all public, private, and parochial schools in the city, and to make or cause to be made any examination of the children and minors in attendance therein as often as he may deem necessary to secure compliance with the provisions of this ordinance.

§ 14. Any person violating the laws of vaccination shall be liable to a fine in the City Court of not less than ten nor more than twenty dollars, and shall also be liable to a like fine for every ten (10) days thereafter they shall delay having the operation of vaccination performed.

§ 15. The physicians of the Eastern and Western districts shall render medical treatment to the indigent residents, and shall vaccinate all residents of said city, who shall desire it, free of charge, and make monthly reports to the Health Officer.

§ 16. This act shall take effect from and after its publication. All acts in conflict herewith are hereby repealed.

Approved February 6, 1899.

DISORDERLY CONDUCT.

AN ORDINANCE concerning disorderly conduct in the city of Louisville.

Be it ordained by the General Council of the city of Louisville:

§ 1. Whoever shall be found guilty of disorderly conduct in the city of Louisville shall be fined not less than five dollars nor more than fifty dollars, or imprisoned in the city work-house not exceeding thirty days, or both so fined and imprisoned, in the discretion of the judge or jury trying the case; and when imprisonment is prescribed by the judge or jury trying the case, it shall be in the discretion of the judge or jury to direct whether or not the imprisonment shall be with hard labor.

§ 2. That in addition to imposing a fine, the Police Court may hold the offender to bail in a sum not exceeding one thousand dollars to keep the peace, or be of good behavior, for any length of time not exceeding one year.

§ 3. Should the offender fail to give bond or fail to pay the fine, he shall be forthwith committed to the city workhouse, and shall be kept in custody until bail be given, or until the time fixed by the judgment shall have expired and the fine be paid or satisfied by labor as provided by law.

§ 4. All ordinances in conflict herewith are hereby repealed.

§ 5. This ordinance shall take effect from its passage.

Approved September 10, 1898.

DISPLAY CARDS.

AN ORDINANCE prohibiting the nailing or pasting or displaying cards, advertising matter, or show bills on vacant property in the city of Louisville.

Be it ordained by the General Council of the city of Louisville:

§ 1. That it shall be unlawful for any person to nail, tack, or in any other way fasten on the outside or inside of any vacant house in the city of Louisville, any show bill, display card, or advertisement of any kind whatsoever, without the written consent of the owner or agent of the property.

§ 2. For any violation of the provisions of this ordinance the party offending, on conviction therefor, shall be fined not less than \$10.00 nor more than \$25.00 for each offense.

§ 3. This ordinance shall take effect from and after its passage.

Approved April 12, 1900.

DOGS—VICIOUS.

AN ORDINANCE prohibiting the harboring of vicious dogs in the city.

If any person shall, within the limits of said city, harbor or keep any animal of the dog kind that shall bite or fiercely attack any person whatever, such animal at the time of said biting or attack not being within the owner's inclosure, such person so

harboring or keeping said animal shall, on conviction thereof before the City Court, be fined in any sum not exceeding one hundred dollars; and, if any person so convicted shall continue to harbor or keep said animal within the limits of said city, and said animal shall again bite or fiercely attack any person in the manner aforesaid, the person so harboring or keeping said animal shall, on conviction thereof, be fined a like sum, and on any like conviction shall, from time to time, be fined in like manner, provided that this action shall not extend to a case where the person shall break or enter without permission into any inclosure, and shall be pursued therefrom by any such animal shall, on conviction thereof, be fined a like sum, and on the loud and frequent or continued barking, howling, or yelping of any animal of the dog kind, so as to annoy and disturb any neighbors, such owner shall, on conviction, be fined in any sum not exceeding ten dollars.

Approved January 29, 1859.

DOGS.

AN ORDINANCE in relation to unlicensed dogs.

Be it ordained by the General Council of the city of Louisville:

§ 1. That any dog found running at large upon any of the streets or public places of the city of Louisville without a license tag of the Sinking Fund of said city attached to his neck, showing that the license has been paid for the year, shall be taken up and impounded in separate apartments.

§ 2. Whenever for any cause, the Mayor shall deem it necessary, he may issue his proclamation prohibiting for a certain time, all dogs from running at large upon any of the streets of the city of Louisville, unless such dog be securely muzzled, so as to effectually prevent it from biting any person or animal, which proclamation shall be published in the papers elected to do the city advertising at least one time, and all dogs found running at large contrary to the provisions of such proclamation shall be taken up and be impounded in separate apartments.

§ 3. It shall be the duty of the pound keeper to make a report every day to the secretary and treasurer of the Sinking Fund, giving a description of the dog taken up, and, if the dog has a license tag, shall give the number of said tag, and said list shall be posted in the office of the Sinking Fund.

§ 4. Any owner wishing to redeem any unlicensed dog, within three days after impounding, shall pay to the secretary

and treasurer of the Sinking Fund the amount of license for said dog, and upon the presentation to said pound-keeper of the receipt of said secretary and treasurer, with a redemption fee of fifty cents to the pound-keeper for his use, and twenty-five cents to the pound-keeper, who shall pay the same to the secretary and treasurer of the Sinking Fund, for the use of the person taking up the dog, then said dog shall be released.

§ 5. For a licensed dog, the person presenting the receipt of the said secretary and treasurer that the license has been paid, and the fee of fifty cents to the pound-keeper, for his use, and the fee of twenty-five cents to the pound-keeper, who shall pay the same to the said secretary and treasurer for the use of the person taking up the dog, the said dog shall be released.

§ 6. If at the end of three days from the time of impounding any animal remains unredeemed, the keeper of the pound shall certify the same to the judge of the City Court of Louisville, who shall fix a day for the hearing of the matter, of which time the owner of said dog or dogs, if he be known, shall have three days' notice. If upon the trial of said matter it shall be adjudged that said dog or dogs were at large in the city of Louisville contrary to law, and that they have been unredeemed for three days, he shall, by order of the court, direct said pound-keeper to sell said dog or dogs at public outcry, at the pound to the highest and best bidder, after having advertised the time, the terms, the place of sale, for three days, by three posters—one at the pound, one at the office of the secretary and treasurer of the Sinking Fund, and one at the door of the Jefferson county Courthouse.

§ 7. If no one bids for any dog thus put up at auction, it shall be killed by the pound-keeper in the least painful manner.

§ 8. The pound-keeper shall make a monthly report to the secretary and treasurer of the Sinking Fund, giving a description of all dogs taken up, and by whom, and those redeemed and by whom, and those bought and by whom, and the price paid, and those slain, to be supported by the affidavit of said pound-keeper.

§ 9. Said pound-keeper shall give a receipt for every dog received to the person delivering said dog to him, and upon presentation of said receipt to the secretary and treasurer of the Sinking Fund, he shall pay to said person the sum of twenty-five cents.

§ 10. It shall be the duty of any policeman to kill any dangerous dog which may be found running at large contrary to the provisions of this ordinance, provided such dog can not be safely taken up and impounded.

§ 11. Any person who shall entice any dog out of the enclosure of the possessor of such dog, or who shall bring into the

city any dog for the purpose of taking up and impounding the same, or who shall purchase any dog when sold by the pound-keeper, for the purpose of impounding the same, shall, on conviction, be fined not less than \$5.00 nor more than \$25.00.

§ 12. The word dog shall include and mean the singular and plural numbers, and male and female.

§ 13. All ordinances in conflict herewith are hereby repealed.

Approved October 8, 1895.

DRUNKENNESS.

AN ORDINANCE punishing drunkenness in the city of Louisville.

Be it ordained by the General Council of the city of Louisville:

§ 1. Whoever shall be found guilty of drunkenness in the city of Louisville shall be fined not less than five nor more than twenty dollars for each offense.

§ 2. That, in addition to imposing a fine, the Police Court may hold the offender to bail in a sum not exceeding one thousand dollars to keep the peace, or be of good behavior for any length of time not exceeding one year.

§ 3. Should the offender fail to give bond, or fail to pay the fine, he shall be forthwith committed to the city work-house, and shall be kept in custody until bail shall be given, or until the time fixed by judgment shall have expired, and the fine be paid or satisfied by labor, as provided by law.

§ 4. All ordinances in conflict herewith are hereby repealed.

§ 5. This ordinance shall take effect from its publication.

Approved July 13, 1896.

ELECTRIC PLANTS AND WIRING.

AN ORDINANCE concerning the installation and supervision of electric plants, machinery, appliances, wiring and apparatus in the city of Louisville.

Be it ordained by the General Council of the city of Louisville:

§ 1. That all installments of electric plants, machinery, appliances, wiring, and apparatus in any house, building or other structure in the city of Louisville for the generation or utilization of electricity for light or power shall be constructed and installed in conformity to the rules, regulations and requirements of the National Electrical Code of the National Board of Fire Underwriters for the installation of electric wiring and apparatus, and of the future modifications of said code, a copy of which is filed and shall be kept on file in the office of the Board of Public Safety.

§ 2. That there shall be appointed by the Mayor a qualified electrician, whose duty it shall be to inspect all premises where electric plants, machinery, appliances, wiring and apparatus for light or power shall be located, or where the location of the same may be proposed, to issue permits for the installation or use of electric plants, machinery, appliances, wiring and apparatus for light or power in the city of Louisville, and to issue certificates afterward that such installations are in accordance with the rules, regulations and requirements of said National Electrical Code.

§ 3. That the construction of any electric plant, machinery, appliance, wiring or apparatus, or the installation of the same for light or power shall not be commenced in any house, building or other structure in the city of Louisville until a permit has been issued therefor by the electrical inspector, and no electrical current or currents shall be put in use in such installation until a certificate shall have been issued by the electrical inspector stating that the installation is in full compliance with the rules, regulations and requirements of said National Electrical Code, nor until a permit has been issued by said inspector for the use of electrical currents in said installation.

§ 4. It shall be the duty of electrical inspector, under the direction of the Board of Public Safety, to inspect or cause to be inspected, all premises, houses, buildings or other structures in the city of Louisville, when in course of construction or erection, to see that the electric plants, machinery, appliances, wiring, or apparatus for light or power therein conform to the rules, regulations and requirements of said National Electrical Code.

It shall further be the duty of said inspector during reasonable hours, on application to him by the owner or occupant, or by the Louisville Board of Fire Underwriters, or upon the complaint under oath of any reputable citizen, to inspect or cause to be inspected any premises, house, building or other structure, wherein is located any electrical plant, machinery, appliance, wiring or apparatus for light or power, and to examine the same to ascertain whether or not such plant, machinery, appliance, wiring or apparatus has been constructed or installed in conformity to the rules, regulations and requirements of said National Electrical Code, or at the time of said inspection conforms to said code, or is dangerous or defective in any manner; and wherever such plant, machinery, appliance, wiring, or apparatus shall be found to be dangerous or defective, it shall be the duty of the owner or occupant of such premises, house, building or other structure, upon written notice by said inspector, to remedy within a reasonable time, to be fixed in said notice, the said defect or dangerous condition and to conform to the rules, regulations and requirements of said National Electrical Code, in such manner as shall be directed by said inspector and under his supervision.

Provided, that if such owner or occupant, or the agent of either, shall within five days from the date of the service or receipt of such notice from said inspector, protest in writing against any required improvement or change, and shall deposit with the City Treasurer the sum of twenty (\$20) dollars, to cover the expense of re-examination, it shall be the duty of the Board of Public Safety to designate two additional electricians together with said electrical inspector to make a re-examination, and if the Board of Public Safety approve a decision against the protestant, the said board shall cause said protestant or his agent to be notified of the decision, and the work ordered by the inspector aforesaid shall be commenced within five days after the receipt or service of said notice, and be completed within a reasonable time. Should the owner or occupant, or the agent of either, neglect or refuse to comply with the notice of said inspector or of said board in case a protest is filed as aforesaid, it shall then be the duty of said inspector to report said neglect or refusal to said board, and for each violation of any provision of this ordinance by the owner or occupant of any premises, house, building, or other structure, or the agent of either, he shall be subject to a fine of ten (\$10) dollars, and each day such installation is used or operated in violation of any provision of this ordinance shall constitute a separate offense.

§ 5. That the annual salary of said electrical inspector shall be \$1,500, to be paid in monthly installments.

§ 6. That this ordinance shall not apply to the electrical plants, machinery, appliance, wiring or apparatus for the generation or utilization of electricity for light or power owned or operated in the city of Louisville by any street car company or any railroad company using electricity for motive power.

§ 7. That this ordinance shall take effect from and after its passage.

Approved August 24, 1904 .

EMBALMING.

AN ORDINANCE relating to the practice of embalming in the city of Louisville.

Be it ordained by the General Council of the city of Louisville:

§ 1. That for the better protection of life and health, and to prevent the spread of contagious diseases, there is hereby established and created a board to be known as the "Embalming Board of Louisville, Kentucky." Said board shall consist of the president of the Board of Public Safety, the Health Officer, the Jefferson county referee of the State Board of Health, the Coroner of Jefferson county, and one embalmer, who has had not less than five years' experience, to be selected by the embalmers of the city of Louisville. Each member shall serve during his official term of office, and be succeeded by his successor in office. The embalmer of this board shall serve two years, when his successor shall be named by the embalmers of the city. The Health Officer shall be chairman of said board.

§ 2. The said board shall from time to time adopt rules, regulations, and by-laws, not inconsistent with the laws of the State, or of the United States, whereby the performance of the duties of said board and the practice of embalming of dead human bodies shall be regulated.

The said board shall meet once in each year, and may meet as often as the proper and efficient discharge of its duties shall require or the health officer may suggest.

§ 3. From and after the passage of this ordinance, every person now engaged or hereafter desiring to engage in the practice of embalming dead human bodies, within the city of Louisville, shall make written application to said "embalming board" of the city for a permit to practice embalming, whereupon the applicant shall present himself or herself before said board at a time and place to be fixed by said board, and if the board shall

find upon due examination that the applicant is of good moral character, possessed of skill and knowledge of said art of embalming, and of the care and disposition of the dead, the said board shall register such applicant as a duly qualified embalmer, and issue to such applicant a permit, which shall be signed by the health officer and at least two other members of said board and be attested by the seal of the Health Department; and shall entitle the person named therein to practice the art of embalming in the city of Louisville.

§ 4. On and after June 1, 1898, it shall be unlawful for any person, not a registered embalmer, to practice the art of embalming in the city of Louisville, unless said person is a registered and licensed embalmer, within the meaning of this ordinance.

§ 5. Any person who shall practice, or hold himself or herself out as practicing the art of embalming in the city of Louisville, without having complied with the provisions of this ordinance, shall be guilty of a misdemeanor, and upon conviction thereof before the city court, shall be fined in a sum not less than fifty nor more than one hundred dollars for each offense.

§ 6. This ordinance shall take effect from and after its passage.

Approved May 10, 1898.

EXECUTIVE BOARDS—COUNCIL MEETINGS.

AN ORDINANCE requiring the attendance of two members of the executive boards of the city of Louisville at every meeting of the General Council, namely, one member of the Board of Public Safety and one member of the Board of Public Works.

WHEREAS, By section 45, of "An act for the government of cities of the first class," approved July 1, 1893, "one member of each board may be compelled to attend every meeting of the General Council," meaning one member of the Board of Public Safety and one member of the Board of Public Works, and the members of said two boards have failed, and do fail and refuse to comply with the provisions of said section 45 of said act; therefore,

Be it ordained by the General Council of the city of Louisville:

§ 1. That on the day before any meeting of the General

Council of the city of Louisville, it shall be the duty of the Board of Public Safety and the board of Public Works to notify, in writing, the clerk of the Board of Aldermen and the clerk of the Board of Councilmen which one of the members of each of said executive boards will attend the ensuing meeting of the General Council.

§ 2. For any failure of one member from the Board of Public Safety and one member from the Board of Public Works to attend every meeting of the General Council there shall be deducted from the pay and salary of each and every member of said Board of Public Safety and said Board of Public Works the sum of twenty (\$20) dollars.

§ 3. The clerks of the two boards of the General Council shall notify the Comptroller of the city of Louisville of each of such failures on the part of one member of each of the said executive boards to attend every meeting, and said Comptroller shall deduct the said sum above mentioned from the salary and pay of each member of said executive boards, and shall not register the pay-rolls of said members without said deduction, nor shall same be passed or allowed by the General Council, when said deduction should be made, unless the said deduction appears to have been made on said pay-rolls.

§ 4. This ordinance shall take effect from and after its publication.

Approved June 25, 1897.

EXECUTIVE AND MINISTERIAL OFFICERS—REGULATE THE TRIAL OF.

AN ORDINANCE to regulate the trial of executive and ministerial officers of the city of Louisville, by and before the Board of Aldermen of said city, where charges are preferred against such officers by the Mayor of said city, or two members of the Board of Councilmen of said city, or as against the Mayor of said city by the Board of Councilmen of said city.

Be it ordained by the General Council of the city of Louisville:

§ 1. That in order to carry out and effectuate section 19 of an act of the General Assembly entitled, "An act for the government of cities of the first class," approved July 1, 1893, commonly called the City Charter, whenever written charges with

specifications, duly signed, shall be preferred to the Board of Aldermen by the Mayor of said city, or any two Councilmen of said city, against executive or ministerial officers of said city, unless otherwise provided for by law, or against the Mayor of said city by the Board of Councilmen of said city, the said Board of Aldermen of said city shall at once, or within five days thereafter, proceed to organize itself into a court for the trial of said charges and specifications, by taking the oath of office required by law. The president of said Board of Aldermen and the regular clerk of said board shall act as presiding judge and clerk of said court, unless and until otherwise determined by a majority of said board, but they shall take proper oaths of office as such.

§ 2. As soon as said board shall have organized as a court, as required in preceding section, said charges and specifications shall be read aloud, in open court, and the person or persons charged may enter appearance, or except to the sufficiency of said charges and specifications, specifically pointing out the charge and specifications excepted to, or they may file an answer making such defense as they deem best. If no appearance is entered at said reading of charges and specifications, then the clerk of said court shall issue a notice, directed to person or persons charged, warning them or him to appear and make defense against such charges and specifications at the next sitting of said court, not occurring earlier than five days after the service of said notice. The case shall be docketed in substance as follows:

The Commonwealth of Kentucky by relators against, defendants, (stating the names of the relators and the defendants). The notice for the defendants above provided for may be served by the sheriff of the county, or any deputy, or policeman, or any person designated by the clerk of said court; but if any person so accused shall avoid service of process, then the same may be left at his residence, or if he or they shall leave the city or State, the case may be proceeded with as if actual service had been made.

§ 3. On appearance to said action, or after service of said notice, or leaving the city or State, such person or persons so charged may appear before said court in person, or by counsel, or both, and may except or plead, as hereinbefore provided. If exceptions are sustained by a vote of a majority of the court to all the charges and specifications, then the proceedings shall be deemed terminated, but if such exceptions are overruled as to any charge and specification, then the trial shall proceed upon such charges and specifications as are determined by the court to be good and sufficient. Whether any defense be made or not, the relators in such matter shall cause evidence to be introduced, and may be assisted therein by the City Attorney, and other counsel, or both, in support of said charges and specifications.

and then the defendant in such proceeding may introduce evidence in his behalf, unless the court shall have previously determined by a majority vote that the evidence introduced by the prosecution is not sufficient to sustain any charge or specification. In receiving the evidence, the court shall be guided by the rules of evidence prevailing in the courts of this State.

At the conclusion of such evidence for both parties, in chief and in rebuttal, counsel for either side may be heard in argument, and then the room shall be cleared of all persons except the members of said court and its clerk, when the matters heard before said court shall be voted upon by a *viva voce* vote on the call of the roll by said clerk, and such vote taken on each charge and specification separately, upon which a trial has been had, and all taken down and recorded by the clerk of the said court, and if at the end of said vote it shall be found that any substantial charge or specification has been sustained, and the defendant found guilty by two-thirds of the members of said court, then said court shall proceed to enter its conclusions of record, together with a judgment evicting the defendant or defendants from office.

§ 4. No member of said Board of Aldermen, after the same has been organized into a court, shall voluntarily absent himself from any sitting of said court, or leave said court while in session, or refrain from voting when called on to do so, under a penalty of twenty (\$20) dollars for each offense, which may be recovered by ordinance warrant before the police court of the city of Louisville.

§ 5. The clerk of said court is hereby authorized to issue subpoenas for witnesses, and subpoenas *duces tecum* for needed papers and documents of a public nature to the persons having such in charge. Said subpoenas may be served by the sheriff of the county, or any deputy, or a patrolman, or by such person as may be designated by said clerk to serve the same. If any witness shall fail to attend in obedience to such subpoena, or depart without leave of court, or avoid service of such subpoena, or, being in attendance, shall refuse to be sworn, or refuse to answer proper questions propounded to him, then such witness shall be deemed guilty of contempt of court and liable to be fined in any amount not less than five dollars nor more than twenty-five dollars, which may be recovered by ordinance warrant for every such offense before the police court of said city.

If such witness be an officer of the city, or any of its departments, or an employe thereof, drawing a salary or wages from the city treasury, and shall offend as herein pointed out, then his office or employment shall cease, and no future claim for salary, wages, or compensation shall be allowed or paid out of the treasury.

§ 6. Said court is hereby authorized to appoint one of the official stenographic reporters of the Jefferson circuit court as assistant clerk of said Board of Aldermen. If such stenographic reporter be so appointed he shall take the proper oath of office and attend at all meetings of said court, and take down notes of all its proceedings in short hand, including a record of all the evidence taken and votes by yeas and nays, and all objections made and exceptions taken by either party and make three typewritten copies thereof, one for the use of the court, and one for the use of each party. At each meeting this journal of the preceding meetings shall be read in open court and approved and signed by the presiding judge, after correction by order of court, if needs be, and for his services in that behalf said assistant clerk shall be entitled to same compensation as for like services rendered in said circuit court, to be paid by the city of Louisville.

At all meetings of said court where two-thirds of all members of said Board of Aldermen are in attendance, that number shall be deemed a quorum to proceed with the trial. Absentees at any sitting may, after reading the records of the proceedings hereinbefore provided for, and declaring in open court such reading, resume their sitting, and continue to take part in the trial. Said court may, at discretion, allow all reasonable amendments to charges and specifications, as well as to exceptions or answers, and at like discretion may allow postponement upon grounds in writing filed, verified by oath, but not beyond a day at a time after the trial has actually begun.

§ 7. Said court may appoint an officer for said court to keep order during its sessions, to be styled "bailiff," who shall attend its sittings and preserve order and decorum, subject to the orders of said court, and remove from the room any disorderly person or persons disturbing the court proceedings, and for that purpose may summon assistance from among bystanders, whose duty it shall be to obey such summons. Said bailiff shall be a person resident and legal voter in and for said city, of discretion and good character for sobriety and good demeanor, and shall take an oath before entering on the duties of office such as is administered to sheriffs, and he shall have power to execute the notices, subpoenas, and other process of said court, and shall be paid for his services by the city of Louisville at the same rate as sheriffs are paid for services in the circuit courts of this State.

§ 8. All matters, points, and questions arising during said trial shall be decided by a majority vote, and any three members of said court may demand a yea and nay recorded vote, except, however, the final vote on said charges and specifications, in

which a vote of at least eight members of said court shall be necessary to sustain any charge or specification.

Approved July 16, 1896.

EXPOSURE OF PERSON.

AN ORDINANCE in relation to exposure of person.

Be it ordained by the General Council of the city of Louisville:

§ 1. That any person who shall expose his or her person indecently, or cause any person to do so, within the city limits, shall be fined one hundred dollars for each offense.

§ 2. That, in addition to imposing a fine, the police court may hold the offender for bail in a sum not exceeding one thousand dollars, to be for said offender's good behavior for any length of time not exceeding one year.

§ 3. Should the offender fail to pay the fine or fail to give bond, he or she shall forthwith be committed to the city workhouse, to be kept in custody until bail be given, or until the time fixed by the judge expires, and the fine be paid or satisfied by labor, as provided by law.

§ 4. All ordinances in conflict with this are hereby repealed.

§ 5. This ordinance shall take effect from and after its publication.

Approved July 18, 1898.

FAST DRIVING.

AN ORDINANCE punishing fast driving in the city of Louisville.

Be it ordained by the General Council of the city of Louisville:

§ 1. No person shall ride or drive a horse or animal in a street or alley in the city of Louisville at a rate faster than six miles an hour.

§ 2. No person shall ride or drive a horse or other animal, whether attached to a vehicle or not, otherwise than at a walk while turning a street corner or driving across any intersection of a street in the city of Louisville.

§ 3. No person shall drive any loaded vehicle which is not on springs at a gait other than a walk over any of the streets or

alleys of the city. Provided, that unloaded vehicles not on springs may drive at a rate not exceeding five miles an hour.

§ 4. No person shall drive a horse or other animal attached to any vehicle with springs at a greater rate of speed than six miles an hour upon any of the streets or alleys of the city.

§ 5. The provisions of this ordinance shall not apply to any animals or vehicles of the Police and Fire Departments of the city of Louisville, or the Salvage Corps, when in active service.

§ 6 Any person violating any of the provisions of this ordinance shall pay a fine of not less than three dollars nor more than ten dollars for each offense.

§ 7. This ordinance shall take effect from its passage.

Approved October 8, 1895.

FIRE ALARM TELEGRAPH.

AN ORDINANCE to protect the Fire Alarm Telegraph of the city of Louisville.

Whoever shall willfully and improperly interfere with, deface, destroy, or injure the Fire Alarm Telegraph, or any part thereof, or any of its appurtenances, or shall unlawfully do anything to the same so as to prevent or delay or with a view to prevent or delay the proper and timely use thereof, shall for each offense, be fined not less than \$25 nor more than \$100. It shall be unlawful for any one to open any of the signal boxes, except with the keys furnished by the superintendent of the Fire Alarm Telegraph; and whoever shall violate the provisions of this section shall be fined, for each offense, not less than \$5 nor more than \$25. It shall be unlawful for any one not authorized thereto by the properly constituted city authorities to have made, or use, or keep any key with which to open at any time any of the signal boxes; and for a violation of any of the provisions of this section, the party offending shall be fined not less than \$25 nor more than \$100 for each offense. Parties fined under any of the provisions of either of the sections of this ordinance shall be confined in the city work-house until said fine shall be paid, as provided and permitted by the city charter.

Approved May 31, 1865.

FIREARMS AND FIREWORKS.

AN ORDINANCE against discharging Fire Arms and Fire Works in any public place in the city of Louisville.

Any person who shall discharge a gun, pistol, or other fire-arms, or any person who shall set off a squib, cracker or other fire-works, in any public place, or send up a paper balloon or skyrocket, or throw a fire-ball within the city, shall be fined four dollars.

Approved November 17, 1854.

FIREMEN'S ASSOCIATION, VETERAN.

AN ORDINANCE concerning the Veteran Firemen's Association of the city of Louisville.

Be it ordained by the General Council of the city of Louisville:

§ 1. That in order to aid in the maintenance of the Veteran Firemen's Home, on First Street, between Jefferson and Green streets, in the city of Louisville, there shall be paid to the president of the Veteran Firemen's Association, monthly, for the current expenses of maintaining said home, out of the funds appropriated for incidental expenses not exceeding the sum of seventy-five dollars.

§ 2. That it shall be the duty of the Board of Public Safety to make up and certify on a pay-roll each month the claim for the items of expense for said home, verified under the oath of the president of said association, which claim shall then be registered by the Comptroller and allowed by the General Council, as required by law in cases of other claims against the city.

§ 3. That this ordinance shall take effect from its passage.

Approved July 2, 1900.

FIRE ESCAPES.

AN ORDINANCE concerning the erection and maintenance of fire-escapes on public and private buildings in the city of Louisville.

Be it ordained by the General Council of the city of Louisville:

§ 1. That all fire-escapes of every character, now erected or hereafter to be erected in said city, shall be under the direction and control of the inspector of buildings and his deputies; and in conformity with the sections of this ordinance.

§ 2. All buildings occupied by any person or persons, or in which any person or persons shall be employed or assemble (except such as are used as private residences exclusively), of three or more stories in height, shall be provided with one or more permanent approved fire-escapes when ordered by the inspector or his deputies, and the escapes must be in such number, and constructed and located in such manner, as directed in said notice or order.

§ 3. All fire-escapes shall extend from the second floor to the top of the building, and the second floor balcony must be connected with the ground with swinging steps, or some device approved by the inspector or his deputies.

§ 4. The inspector or his deputies shall inspect all fire-escapes as often as may be necessary, and see that they are kept in good repair. If on inspection it is found that any fire-escape is in bad repair or unsafe, the inspector shall immediately cause to be served a notice, as set forth in section 9 of this ordinance.

§ 5. No obstruction shall be placed on the balcony or steps of any fire-escape, and the passage-ways and windows leading to fire-escapes must be kept clear and unobstructed at all times.

§ 6. In all buildings—to which a fire-escape is attached—where people work, sleep, or assemble after dark, a red light must be displayed at night, at the entrance of each said fire-escapes. A sign not less than six by eighteen inches, marked "fire-escape" in red letters, must be displayed at the entrance to all fire-escapes.

§ 7. When in the opinion of the inspector or his deputies a fire-escape or fire-escapes should be erected on a building, as provided in this ordinance, he shall serve, either in person, by deputy, or a member of the Police Department of the city, a written or printed notice to the owner, if in the city, or his agent, lessee, or the occupant of such building if the owner resides outside or is absent from the city, notifying him or them

to erect such fire-escape or escapes as shall be required to be erected.

§ 8. If the owner, after such notice to himself or agent, occupant, or lessee, as provided for in section 7 of this ordinance, fails for a period of thirty days after receiving such notice to comply with the same, he shall be liable to a fine of ten dollars for each day's failure to comply with the same.

§ 9. The inspector shall notify the owner, if in the city, or his agent, lessee, or the occupant of such building, if the owner resides outside, or is absent from the city, by a written or printed notice, served either in person or by deputy or a member of the Police Department, of any violation or anything necessary to carry out the requirements of this ordinance, and a failure on the part of the owner, after the execution of such notice, to comply with the same within five days after the service of such notice, as aforesaid, shall subject him to a fine of five dollars for each day's failure to comply therewith. The penalty defined in this section shall not apply to the provisions of sections 2, 3, 7, and 8 of this ordinance.

§ 10. When requested by the inspector or his deputy, the owner, agent, lessee, or occupant of any building in the city of Louisville shall immediately furnish to the inspector of buildings a written statement, giving the number of males and females employed, gathered, or occupied on each floor of such building.

§ 11. It shall be the duty of every person, firm, or corporation doing business within the limits of the city of Louisville, who employ or permit persons to live in or occupy any building (except exclusively private residences), three or more stories in height, to notify in writing the inspector of buildings of the fact within thirty days after the passage of this ordinance, or within the same period after the occupancy of such building hereafter erected. A failure to comply with this section shall subject such person, firm, or corporation to a fine of not less than five dollars for each and every day any person or persons shall be employed or permitted to live in or occupy such building without such notice to the inspector of buildings.

§ 12. Any owner, agent, occupant, or lessee of a building who, having been ordered by the inspector of buildings or his deputies to erect thereon or therein a fire-escape, shall have a right of appeal from such order to the Board of Public Safety, provided said appeal shall be made within five days after the receipt of such order, and the decision of said Board of Public Safety in the matter shall be final.

§ 13. All ordinances, or parts of ordinances, in conflict with this ordinance are hereby repealed.

§ 14. This ordinance shall take effect from its passage.

Approved August 14, 1899.

(NOTE.—See Kentucky Statutes, Sec. 1830-32, Act of February 13, 1888.)

FIRE DEPARTMENT.

AN ORDINANCE concerning the Fire Department of the city of Louisville.

Be it ordained by the General Council of the city of Louisville:

§ 1. That all officers, firemen, and employes of the Fire Department of the city of Louisville regularly on the pay-roll of said department may be granted, by order of the Board of Public Safety, leave of absence, in writing, over the signature of the chairman of said board, for two days of twenty-four hours each in each month, without loss of salary or pay, which leave may be given for alternate or consecutive days, as desired, in each month, and at such time in the month, and in such manner, as may be prescribed by said board, with the approval of the chief engineer of said department: *Provided, however,* that no such leave shall ever be granted by said board to any officer or fireman of said department to be absent from his engine-house, company, or regular place of duty on any regular election day or primary election day in the city of Louisville, except for a period of not exceeding two hours, to go, dressed in his regular uniform, to his own precinct to cast his vote, if he so desires, and for no other purpose whatever; and leaves of absence on such election day shall be so regulated by the chief engineer of said department, and the captain of each company, that not exceeding two members of any company shall be absent from their engine-house, company, or regular place of duty, at any one time to cast their votes as aforesaid; and *provided, further,* that the leaves of absence for two days in each month herein provided for shall be so granted that not more than one officer or fireman from any one engine-house or company shall be absent at one time on such leave during any two days in any month.

§ 2. That it shall be the duty of said board to keep a public register of the leaves of absence granted under the provisions of this ordinance, giving the name of each officer or member of said department, engine-house, or company to which he belongs, or the rank of the officer, if not attached to any one company,

and the dates in each month the leaves of absence were granted to each, so that it shall be shown therein at any time on any examination of said register, which shall be open during office hours each day and subject to the inspection of any citizen or officer of the city, what officers or members of said department were absent on leave or have obtained leaves or absence, and the dates thereof, in each month.

§ 3. That it shall be unlawful for the chief engineer, any assistant chief engineer, or any other officer, fireman, or member of the Fire Department of the city of Louisville to engage in electioneering or take any part in a regular or primary election held in the city of Louisville, except, while dressed in his regular uniform, to attend at his own precinct to cast his vote as provided for in the first section of this ordinance; and any such officer, fireman, or member of said department who shall be absent on any day from his engine-house, company, or regular place of duty, except upon a written leave of absence granted and delivered to him by said board for the two days allowed him in each month, or except, while dressed in his regular uniform, for the period of not exceeding two hours at his own precinct on a regular or primary election day, in the city of Louisville, for the purpose of casting his vote, shall be subjected to a fine of not less than fifty dollars nor more than one hundred dollars for each offense, and upon conviction of such offense in the police court of the city of Louisville, he shall be dismissed from further service in said department by said board, and shall not thereafter be appointed to any position in said department or placed upon the pay-roll thereof, or draw any compensation from the city for services in said department.

§ 4. That the captain of each company shall keep a register of the names of each officer and fireman in his company, who shall go to his own precinct to cast his vote on any regular or primary election day, in the city of Louisville, which shall show the hours in the day each officer or fireman of such company was absent on such day, and the number of the precinct and ward he attended for that purpose, and within two days after each regular election or primary election day, in the city of Louisville, the captain of each company shall file such register kept by him with the Board of Public Safety, which register shall be signed and verified under oath by him as true and correct, and be subject at any time during the office hours of said board to the inspection of any citizen or officer of the city of Louisville.

It shall be the duty of the chief engineer of said department to keep a register of the names of each of his assistant chief engineers or aides to the said chief engineer; and of the chief operator of the fire alarm telegraph, to keep a register of the

names of each operator, line repairer, and batteryman under him or connected with the fire-alarm telegraph, who shall go to his own precinct to cast his vote on any regular or primary election day in the city of Louisville, and to file the same with said board in the same manner, and within the same time as is required by this section of this ordinance of captains of companies. Any violation of this section of this ordinance by the chief engineer of said department, or by the captain of any fire-engine company, chemical engine company, hook and ladder company, or water tower company, or by the chief operator of the fire alarm telegraph in said department, shall subject him to a fine of not less than fifty dollars nor more than one hundred dollars for each offense, and upon conviction for such offense in the police court of the city of Louisville, he shall be dismissed from further service in said department by said board and shall not thereafter be appointed to any position in said department, or be placed upon the pay-roll thereof, or draw any compensation from the city for services in said department.

§ 5. That it shall be the duty of the members of the Board of Public Safety to faithfully execute the provisions of this ordinance, and if any member of the said board shall grant, or unite with any other member of said board in granting, a leave of absence to any officer or fireman of said department not allowed by the provisions of this ordinance, or shall fail or refuse to dismiss, or unite with any other member of said board in dismissing any officer, fireman, or member of said department who has been convicted in the police court of the city of Louisville of violating any provision of this ordinance, or shall, after such conviction, place any such officer, fireman, or member of said department on the pay-roll of the Fire Department, or certify that such convicted officer, fireman, or member of said department is entitled to any compensation for services in said department from the city of Louisville, shall be subject to a fine not less than one hundred dollars for each offense.

§ 6. That all ordinances in conflict with this ordinance be and the same are hereby repealed.

§ 7. That this ordinance shall take effect from and after its passage.

Approved January 16, 1900.

FIRE DEPARTMENT.

AN ORDINANCE providing for the government of a fire department for the city of Louisville.

Be it ordained by the General Council of the city of Louisville:

§ 1. That the Fire Department of the city of Louisville shall consist of no less than twenty engine companies, five hook and ladder companies, one water tower company, with such hose and reels and fuel wagons as may be necessary to properly equip the same; also a repair shop to repair engine apparatus, etc.; also a fire alarm telegraph.

§ 2. The qualifications for officers or employes of the Fire Department shall be the qualifications required by Section 105 of the "Act for the government of cities of the first class," approved July 1, 1893.

§ 3. The chief fireman shall be appointed by the Board of Public Safety, and shall hold his office during the pleasure of said board.

§ 4. All officers and employes of the Fire Department shall reside within as convenient distance of the stations of their respective companies as possible, and the duties assigned to them shall be strictly complied with.

§ 5. The chief fireman shall make a full and complete (pay-roll) report of the expenses of the Fire Department each month; said report shall be transmitted by him to the Board of Public Safety, and by said Board of Public Safety to the Comptroller for registration and presentation to the General Council for allowance. Said (pay-roll) report shall be made and transmitted as soon as practicable after the close of each month, and shall embrace each and every expense incurred by the department during the month for which it is made, sworn to by the Secretary of the Fire Department, certified by the chief fireman and approved by the Board of Public Safety. The form of (pay-roll) report shall be the form provided by the Comptroller, and shall be supplied by the City Buyer upon proper requisition. In making up said (pay-roll) report the following system shall prevail, viz:

One sheet shall be used for the chief fireman and his staff and the expenses of his office, one for the fire alarm telegraph corps, one for repair shop and expenses thereof, and one for each company. In each case the officers or employes shall be entered first in the order of their rank, and, after aggregating the same, the miscellaneous expenses of said companies shall then be entered in detail and aggregation, and said pay-roll

report be sworn to by the captain of said company to the Secretary of the Fire Department. It shall be the duty of each captain of each company to make a sworn report at the close of each month to the Secretary, of exact time served during the month by members of his company; also a detailed statement showing the number of animals on hand on the first of each month on blanks prescribed by the Comptroller and furnished by the City Buyer on proper requisition. Also on the same blanks a complete inventory of all supplies and material on hand on the first of each month, and the Secretary of the Fire Department shall promptly price and extend each item on said blanks of materials and supplies, so as to obtain in dollars and cents the total amount of said inventories of each company.

The Secretary shall also keep an account with each company, and the machine shop, and charge to said accounts every item furnished each of said companies during each month after September 1, 1908.

Said Secretary shall tabulate and show on said inventory sheets on October 1, 1908, the amount of the inventory of October 1, 1908, the cost of all the items charged to each company during the previous month, the amount of the inventory of September 1, 1908, and the net quantity and cost of each item used by each company during September, 1908, and each monthly inventory thereafter shall give the same information for the preceding month.

These monthly inventories shall be kept in the Board of Public Safety and entered upon a summary sheet. Said summary sheet shall be so arranged as to show clearly the cost of maintenance of each company for each month.

Each company will be put upon a competitive basis as far as may be practicable without impairing the efficiency of the department, and each captain will be held accountable for the expenses and efficiency of his company, and the results obtained by each captain will be duly considered in making promotions.

An annual inventory of all material and supplies, commencing September 1, 1908, will be taken of the machine shop on suitable sheets furnished by the City Buyer on proper requisition. Said inventory shall embrace every item in the repair shop and show the cost of same. One copy of this inventory will be kept by the Master Mechanic, one copy in the office of the Chief Fireman, and one copy in the office of the Board of Public Safety.

§ 6. Neither the chief fireman, assistant chief fireman, captains, secretary nor other officer or employe of the Fire Department shall be permitted to purchase or contract for any

article or thing whatever, for the use of said department, or to accept any article or service by which the city may become liable, except as provided in Section 10 hereof. All animals, apparatus, equipment, forage, fuel or other articles or supplies and repairs shall be obtained by requisition upon the City Buyer. Requisitions for companies' supplies must be signed by the captains and approved by the assistant chief of the district and by the chief fireman; for telegraph supplies by the chief telegraph operator, and approved by the chief fireman; for repair shop supplies, by the master mechanic, and approved by the chief fireman; and for the office of the chief fireman, by the secretary, and approved by the chief fireman, and transmitted through the Board of Public Safety, and with its approval, to the City Buyer, to be supplied by him.

§ 7. Any captain, clerk or other person whose duty it is to make a pay-roll report, shall, for failure to include all of the expenses for each month, for which the pay-roll report is made, or intended to be made, be reported by chief fireman to the Board of Public Safety.

§ 8. For intentionally making any false entry or statement upon any book, pay-roll, or report, in addition to the penalty now prescribed by law, such persons so making such false entry or statement may be charged therewith by the Mayor before the Board of Public Safety, and, if found guilty, be at once dismissed from the service by the Board of Public Safety, and forever be incapacitated from holding any office or place in the Fire Department, or in any other department of the city.

§ 9. The chief fireman shall be the superintendent of the fire alarm telegraph; he shall see that the same is kept in proper working order, and may, with the approval of the Board of Public Safety, make such rules and regulations as may be deemed necessary to secure the greatest efficiency and the proper government and protection thereof.

§ 10. Th chief fireman and his assistants are hereby clothed with full police authority in all matters relating to the Fire Department, and should an occasion arise where the force of firemen on duty at a fire is inadequate to arrest the progress of such fire, protect life and property and maintain order, said chief fireman or his assistant who may be in command, may, for such occasion, employ additional force, and report the name or names of said person or persons so employed to the Board of Public Safety for authority for payment; upon granting such authority their names shall be entered upon the pay-roll report of the company with which said person served for the month in which the service was performed: provided, however, nothing herein shall be construed to be authority for the employment

of anyone to be paid by the city as a substitute for an absentee; and, provided, further, that the amount allowed them does not exceed the pay of regular firemen.

§ 11. The chief fireman and his assistants and captains are hereby authorized, and it shall be their duty, to visit any house, yard or premises wherein it is known or supposed that any character of stock, material or fixtures exist which may be dangerous in promoting fire; and upon examination thereof should any such danger be deemed to exist the chief fireman shall report the same in writing to the Board of Public Safety, and if said board shall also deem such danger to exist, it shall direct in writing the owner, or agent, or occupant of the premises containing such stock, material or fixtures to remove or alter the same in such manner as to remove such danger; and should the person so notified fail or refuse to so remove or alter same for five days after receiving said notice, he shall be fined in a sum of not less than ten nor more than fifty dollars, and each day he fails or refuses so to do shall be a separate offense.

§ 12. Each assistant chief fireman, in his respective district, shall see that each company is supplied with all things necessary to secure the greatest efficiency, and that the fire hydrants and cisterns are in order, and properly supplied with water. The headquarters of the assistant chief fireman shall be at such place within his district and he shall have such office hours as the chief fireman may prescribe.

§ 13. That all officers and firemen of the Fire Department of the city of Louisville, regularly on the pay-roll of said department, and whose duty requires them to be at their post day and night, be and they are hereby granted leave of absence for ten days in each year without loss of pay or salary, at such time in the year as the Board of Public Safety and the chief of said department may determine; in addition thereto all officers and firemen of said Fire Department regularly on the pay-roll of said department, and whose duty requires them to be at their post day and night, be and they are hereby granted leave of absence for three days of twenty-four hours in each month without loss of pay or salary, said leave to be given on alternate or consecutive days as desired in each month, and at such time in the month and in such manner as may be provided by and under the supervision of the Board of Public Safety and the chief of said department.

The places of all firemen and officers who may be granted the ten days' leave of absence as herein provided, may be filled by regularly appointed substitute firemen whose names shall be entered upon the monthly pay-roll of the company in which they serve for the actual time they so substitute, at the same compensation paid the men whose places they fill.

That all of said officers and firemen be, and they are hereby, granted, leave of absence for three days of twenty-four hours each, without loss of pay or salary, in the event of the death of a parent, child, wife, sister or brother of any such officer or fireman. Said days are to count from the time of the death of such relative; this leave of absence shall not be granted in the event such relative die and be interred away from the city of Louisville, except such officer or fireman attend the funeral of such deceased relative.

§ 14. That any fireman who shall be disabled from discharging his duties while on duty as a fireman in the Fire Department shall be entitled to his salary or per diem for a period not exceeding thirteen (13) weeks from the commencement of such injury. Should any fireman be so actually and totally disabled for a period longer than thirteen weeks, on proper written report signed by the captain of his company, the assistant chief of his district and the chief fireman, the General Council may, by resolution adopted monthly without invalidating this ordinance, extend the limit of such disability to not exceeding eight months. And in all such cases the Board of Public Safety is hereby authorized and directed to place the name of such disabled fireman on the pay-rolls of the Fire Department as aforesaid.

That at least once every week each disabled fireman shall file with the Board of Public Safety a certificate from his attending physician, should he have one, who shall be a reputable, practicing physician of the city of Louisville, and also from one of the City Physicians designated by the Board of Public Safety, showing the continuance of his disability, which certificate shall be attached to the Fire Department pay-rolls.

§ 15. No company shall leave the city without the consent of the chief fireman, and the Board of Public Safety, or the Mayor, nor shall any company attend any parade without the consent of the Mayor or Board of Public Safety.

§ 16. All members of the Fire Department, except the Secretary, shall be uniformed. The uniform shall consist of sack coat, dark blue cloth, with falling collar, four gilt buttons in front with letters F. D. thereon, skirt to extend half of the distance from hip to bend of knees; said coat to be double-breasted for the officers and single-breasted for the other members of the department. There shall be trumpets on each side of the collar of an officer, four for the chief fireman, three for the assistant chief fireman, two for the captains, said trumpets to be of gold bullion; and a trumpet on each side of collar of the other members of the department, said trumpets to be of silver bullion. Of trousers of the same kind of cloth, with a gold cord on the outer seam for the chief and assistant chief fireman and cap-

tains; a red cord for the other members; and of caps of the same kind of cloth, with square crown in front. The officers' caps shall have gold wreaths with the word "chief fireman," "assistant chief fireman" and "captain" in gold letters in the center. The chief operator's cap shall have a gold wreath encircling the initials "F. A. C." in gold bullion. The caps of the other members of the Fire Alarm Corps shall have only the initials "F. A. C." in silver bullion. The master mechanic's shall have a gold wreath encircling the words "Master Mechanic" in gold bullion. The caps of the employes of the repair shop shall have only the initials "R. S." in silver. The caps of all other members of the department shall have metal cross trumpets. All overcoats shall be the same as under coats, excepting the skirts shall extend to the knees.

Substitute firemen shall uniform same as regular firemen.

§ 17. All ordinances, or parts of ordinances, in conflict with this ordinance are hereby repealed; and this ordinance shall shall take effect from and after its passage.

Approved November 10, 1908.

FIRE AND POLICE DEPARTMENTS.

AN ORDINANCE to prevent the detailing of men from the Fire Department or Police Department to work that does not strictly pertain to said departments.

Be it ordained by the General Council of the city of Louisville:

§ 1. That hereafter it shall constitute a violation of the rules of said departments for any officer or officers from the Board of Public Works, Board of Public Safety, Fire Department, or Police Department to detail any of the men to work that does not strictly pertain to the duties of said departments, as hereinafter provided.

§ 2. Said officer or officers who may violate this ordinance by detailing men from either one of said departments to do carpenter's, bricklayer's, painter's, plasterer's, or any other kind of work that does not belong to the duties of an employe of said departments, shall be found guilty of violating the rules of said departments, and be at once discharged by the Mayor or the respective boards.

§ 3. This ordinance shall only apply to work, the cost of which exceeds the sum of ten dollars.

§ 4. This ordinance shall go into effect from and after its passage and publication.

Approved June 13, 1898.

FIRE HYDRANTS.

AN ORDINANCE regulating the use of fire hydrants, cisterns, valves, etc.

Be it ordained by the General Council of the city of Louisville:

§ 1. That it shall be unlawful for any person, except officers and agents of the Louisville Fire Department, members of the Louisville Fire Department, or other persons especially designated by the city of Louisville, to open or close any valve of any water pipe, fire cistern, fire hydrant, or water plug. Any person violating the provisions of this ordinance shall, upon conviction, be fined not less than five dollars nor more than fifteen dollars for each offense.

§ 2. This ordinance shall take effect from and after its passage.

Approved September 16, 1895.

FIRE HYDRANTS.

AN ORDINANCE concerning the erection of fire hydrants.

Be it ordained by the General Council of the city of Louisville:

§ 1. That, unless otherwise provided by the ordinance directing the work to be done, the erection of fire hydrants shall be done as hereinafter provided.

§ 2. All hydrants to be first-class in workmanship and of the latest improved pattern, be provided with frost case, and must close with pressure, and to be of a kind that repairs may be made without disturbing the frost case or digging up of the streets or sidewalk paving.

§ 3. The stand-pipe of four inch hydrants to be not less than five inches inside diameter, and on six inch hydrants shall not be less than six and one-half inches inside diameter, and be of sufficient length to allow four feet cover.

§ 4. All four-inch hydrants shall be provided with one nozzle of the size to be determined by the chief of the Fire Department, and all six-inch hydrants shall be provided with two nozzles of the size to be determined by the chief of the Fire Department, with an independent shut-off to each nozzle.

§ 5. All hydrants shall be connected with the water mains of the same size pipe (and of standard quality) as that of the stand-pipe of the hydrant, and said connection shall be subject to the approval of the chief engineer of the Louisville Water Company.

§ 6. Each hydrant shall be provided with a separate auxiliary valve, which shall be placed in the pipe connection immediately in front of the hydrant.

§ 7. The suffing-boxes and all bearings to be brass-lined, the valves and valve stems for the independent nozzle shut-offs to be bronze, and the entire hydrant shall be equal in all respects to the sample submitted by each bidder.

§ 8. All hydrants shall be provided with proper openings in the stand-pipe so as when not in use the surplus water will be allowed to flow out of the stand-pipe of the hydrant to the sewer connection underneath or any other mode of drainage as may be approved by the Board of Public Works.

§ 9. The contractor shall guarantee the faithful performance of his contract according to this ordinance, and the hydrants, material, and connections thereto shall be kept in good repair for a period of six years from the completion of the work and its acceptance by the Board of Public Works.

§ 10. All ordinances in conflict herewith be and are hereby repealed.

Approved July 1, 1895.

FLOUR, SALE OF.

AN ORDINANCE regulating the sale of flour by weight in the city of Louisville, Ky.

Be it ordained by the General Council of the city of Louisville:

§ 1. That hereafter no manufacturer, dealer in flour, firm, person or corporation shall sell or offer for sale in the city of Louisville any flour in barrels, half sacks, quarter sacks, eighth sacks, sixteenth sacks, thirty-second sacks, sixty-fourth sacks or any other size sack or package before the number of pounds contained therein shall be plainly labeled or stamped thereon by printed words or figures at least one inch in height.

§ 2. No manufacturer, dealer in flour, firm, person or corporation shall sell or offer for sale in the city of Louisville any package of flour which shall be stamped or labeled with a greater number of pounds than such package actually contains, as provided in this ordinance.

§ 3. A barrel of flour shall consist of 196 pounds net; a half barrel of flour shall consist of 98 pounds net; a half barrel sack of flour shall consist of 96 pounds gross; a quarter barrel sack of flour shall consist of 48 pounds gross; an eighth barrel sack of flour shall consist of 24 pounds gross; a sixteenth barrel sack of flour shall consist of 12 pounds gross; a thirty-second barrel sack of flour shall consist of 6 pounds gross; and a sixty-fourth barrel sack of flour shall consist of 3 pounds gross, etc.

§ 4. That any manufacturer, dealer in flour, firm, person or corporation who shall violate any of the provisions of this ordinance shall be fined for each offense not less than five (5) dollars nor exceeding fifty (50) dollars.

§ 5. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

§ 6. This ordinance shall take effect sixty (60) days after its passage.

The foregoing ordinance having been presented to the Mayor, and having been withheld by him beyond the day of the next regular meeting of the General Council on August 11, 1909, and more than three days having intervened between the presentation to the Mayor and said meeting, and the General Council having actually met on said day, the same became obligatory as if signed by him, according to Section 2795, Kentucky Statutes, and takes effect according to the last section of said ordinance, sixty days from the passage of said ordinance, and said ordinance having passed the Board of Aldermen on July 26, 1909, and the Board of Councilmen August 2, 1909, said ordinance therefore takes effect on and after October 1, 1909.

JOE D. BRADBURN, C. B. A.
C. B. NORDEMAN, C. B. C.

FOOD.**Fresh Meats.**

AN ORDINANCE to regulate the retailing of fresh meats in the city of Louisville.

Be it ordained by the General Council of the city of Louisville:

§ 1. That hereafter it shall be unlawful for any person to sell, at retail, beef, mutton, veal, or lamb, in the city of Louisville, except in a regular licensed market-house or in a green grocery.

§ 2. Any one violating this ordinance shall be punished by a fine of not less than five dollars nor more than twenty dollars for each offense.

Approved October 8, 1895

FOOD.**Protection of Slaughtered Meats.**

AN ORDINANCE for protecting slaughtered meats in the city of Louisville from contamination from dust, dirt, flies, etc., and for the preservation of a healthy and safe condition of animals intended for slaughter.

Be it ordained by the General Council of the city of Louisville:

§ 1. No person shall carry or transport through any street, alley or thoroughfare the carcass or meat of any cattle, sheep, swine, fish, fowl, or poultry used for human food except it be covered so as to be thoroughly protected from dust, dirt, flies, etc.

§ 2. No person shall permit the carcass, body or meat of any cattle, sheep, swine, fish, fowl or poultry to lie or hang or be offered for sale outside of any market or similar place or in any open window or doorway or upon any sidewalk or street or thoroughfare.

§ 3. No person shall keep any cattle, sheep, swine, game, fowl, or poultry in any place in which water, food and ventilation are not sufficient for the preservation of a healthy and safe condition.

§ 4. Any person violating any provision of this ordinance shall be fined not less than \$5.00 nor more than \$20.00 for each offense.

§ 5. All ordinances and parts of ordinances in conflict herewith are hereby repealed.

§ 6. This ordinance shall take effect from and after its passage.

Approved August 18, 1908.

FOOD.

Transportation of Slaughtered Meats Through the Streets.

AN ORDINANCE preventing the transportation of slaughtered meats through the streets of the city of Louisville without being properly protected from dust and flies.

Be it ordained by the General Council of the city of Louisville:

§ 1. That it shall be unlawful to carry or transport through the streets of the city of Louisville any slaughtered beef, lamb, veal or hogs, or any other animal used for human food without the same is carefully covered and safely protected from dust and flies.

§ 2. That any person who shall violate this ordinance shall be subject to a fine of not less than five nor more than twenty dollars for each offense.

§ 3. That this ordinance shall take effect from its passage.

Approved March 2, 1908.

FOOD.

Unwholesome.

AN ORDINANCE concerning the sale of unwholesome food in the city of Louisville.

Be it ordained by the General Council of the city of Louisville:

§ 1. No person shall bring into the city, or sell or offer for sale in any market, public or private, any cattle, sheep, hog, or lamb for slaughtering purposes that are pregnant or in an un-

healthy or unsound condition, nor any meat, fish, game, or poultry that is diseased, unsound, or unwholesome, or that for any other reason is judged to be unfit for human food (the fact of any cattle, sheep, hog, or lamb being in any stock-yard or slaughter-house pen shall be considered that the same is being exposed there for sale); and the fact that any carcass or part thereof of any cattle, sheep, hog, or lamb is found in any slaughter-house or any public or private market or place, dressed and prepared as such meats usually are for market, shall be deemed sufficient evidence that the same is on sale; and no animal nor any part thereof, nor any fish, game, or poultry that has been inspected and condemned by the Board of Health or any of its officers, shall be held, sold or offered for sale for human food in this city.

§ 2. No person or persons shall buy or offer to buy for slaughtering purposes, in any stock-yard, street, or alley, or in any market, public or private, in this city, any cattle, hogs, sheep, or lambs that are pregnant, or in an unhealthy or unsound condition.

§ 3. No animal of any kind shall be slaughtered, dressed or hung, nor part of the meat thereof, wholly or in part, within any street, avenue, or sidewalk, or public alley or place in this city.

§ 4. Nor shall any animal be slaughtered while in a feverish or overheated condition, and the meat of any such animal shall not be held, sold, nor offered for sale for human food in this city.

§ 5. No person shall bring into this city, or sell, or offer for sale, any cattle unfit for use, or cattle which have been exposed to or liable to communicate the "cattle disease," nor the meat, nor milk of any such cattle. All such cattle, meat, and milk shall be confiscated and destroyed.

§ 6. No cased, blown, raised, plaited, putrid, impure, or unhealthy, or unwholesome meat, nor the meat of any animal that may have died of disease or accident, or fish, birds, or fowl, shall be held, bought, sold, or offered for sale for human food in this city.

§ 7. No calf, pig, or lamb, nor the meat thereof, shall be bought, sold, or offered for sale for human food in this city which, when killed, was less than one month old.

§ 8. No cattle shall be kept in any place of which the water, ventilation, and food is not sufficient and wholesome for the preservation of their health and good condition for food.

§ 9. Fish shall not be cleansed of their scales or entrails in any public market where they may be offered for sale.

§ 10. No person shall bring or send into this city for sale any milk without a permit to do so from the Board of Health,

such permit to be furnished gratuitously by said board to all applicants on condition that none but pure and undiluted milk be sold within the city limits, and subject to the approval of the health officer.

§ 11. All milk wagons shall have the name of the owner and the number of the wagon painted thereon plainly and legibly.

§ 12. All grocers, bakers, and other persons having or offering for sale milk shall at all times keep the name or names of the dairymen from whom the milk for sale was obtained posted up in a conspicuous place wherever such milk may be sold or kept for sale.

§ 13. No person shall offer or have for sale in this city any unwholesome, watered, or adulterated milk, or milk known as swill milk, or milk from cows that for the most part are kept tied up in stables, or that are fed on garbage, swill, or other like deleterious substances, nor any butter or cheese made from such milk.

§ 14. No person shall sell, hold, or offer for sale, or bring into the city any decayed or damaged vegetables or fruits.

§ 15. Any person or persons violating the provisions of any section of this ordinance, on conviction thereof, shall be deemed guilty of a misdemeanor, and shall be fined for each offense not less than twenty dollars nor more than one hundred dollars in the city court.

Approved October 18, 1870.

FOOD UNFIT FOR USE.

Live Stock Inspector—Election, Duties of and Salary.

AN ORDINANCE concerning the inspection of live stock and meat offered as food in the city of Louisville.

Be it ordained by the General Council of the city of Louisville:

§ 1. That it shall be unlawful for any person, firm, or corporation to sell or offer for sale, or to have in his or their possession for sale, any cattle, sheep, hogs, or any other animal for food which is diseased or in any wise unhealthy or unfit for food.

§ 2. That it shall be the duty of the live stock inspector to condemn and have killed any and all diseased live stock held or offered for sale in the city of Louisville, and to deliver the

carcasses of the same to the owner, or his agent, or to the dead animal contractor for disposition, as by law required. It shall furthermore be the duty of the said inspector to condemn and have delivered to the owner, or his agent, or the dead animal contractor for disposition, as by law required, any diseased, tainted, or unwholesome meat or animal flesh held or offered for sale for food in the city of Louisville.

§ 3. Before condemnation of such animal or meat as provided in the second section of this ordinance, the live stock inspector shall give to the owner of the same, or to his agent, having the same in charge, notice of the time and place of the proposed inspection, and allow him a reasonable opportunity to be heard in the premises. The decision of the live stock inspector shall be final in all cases.

§ 4. There shall be set aside and maintained at the Bourbon Stock Yards, and all live stock yards in the city of Louisville, now or which may be hereafter established, at the expense of the owner of such yards, a quarantine pen of such size and construction as shall be prescribed or approved by the live stock inspector, which shall be provided with a suitable lock, in which pen shall be placed at once all animals failing to pass the inspection of the live stock inspector.

§ 5. The live stock inspector, or his assistant, shall at once place in the ear of each animal condemned a numbered metal tag bearing the word "condemned," which shall not be removed by the owner of such animal, or his agent, before the same is killed, as herein provided.

§ 6. The live stock inspector shall keep a record of all animals condemned, which record shall show: First, the date of inspection; second, the kind of animal; third, for whom the animal is inspected; fourth, a description of the animal; fifth, the cause of condemnation; sixth, the disposition of carcass; and shall file a monthly written report of his said inspections with the Health Officer of the city.

§ 7. All animals found to be affected as follows, shall be condemned and their carcasses disposed of as required by law and the provisions of this ordinance: (1) hog cholera, (2) swine plague, (3) anthrax, or charbon, (4) rabbies, (5) malignant catarrh, (6) pyemia and septicemia, (7) mange, or scab in advanced stages, (8) advanced stages of actinomycosis, or lumpy jaw, (9) inflammation of the lungs, intestines, or peritoneum, (10) Texas fever, (11) extensive, or generalized tuberculosis, (12) badly bruised or affected in any organ, or part of an organ, by tuberculosis, actinomycosis trichina, cancer, abscess, suppurating sore, or tape-worm cyst.

§ 8. All injured cattle condemned by the inspector shall be killed subject to post mortem inspection. No injured ani-

mal shall be removed to a slaughter-house, or other place, without the written consent of the inspector.

§ 9. All calves offered for veal under four weeks of age shall be condemned by the live stock inspector for slaughtering purposes; and all animals in advanced stage of pregnancy, or which have recently given birth to young, shall likewise be condemned for slaughtering purposes.

§ 10. Any person, firm, or corporation that shall violate the provisions of section 1 of this ordinance shall be fined not less than twenty-five dollars nor more than one hundred dollars for each offense, and each sale or offering for sale, or holding in possession for sale, of any cattle, hogs, sheep, or other animal, in violation of said section, shall constitute a separate offense; and any person, firm, or corporation, that shall obstruct, interfere with, or prevent the live stock inspector, or his assistant, in the discharge of any of his duties as defined in this ordinance, or, being the owner or proprietor of a live-stock yard, or yards, in the city of Louisville, shall fail or refuse to set apart, construct, and maintain a quarantine pen, as provided in section 4 of this ordinance, shall be fined in any sum not less than ten dollars nor more than one hundred dollars for each offense, and it shall be the duty of the police force to aid the live stock inspector, or his assistant, to enforce the requirements of this ordinance when notified or called on by such inspector, or assistant, for that purpose.

§ 11. That in order to carry out and enforce the provisions of this ordinance, there shall be elected by the General Council, in joint session, on the first Tuesday in December, 1900, and every two years thereafter, one live stock inspector and one assistant live stock inspector, whose duty it shall be to carry out and enforce the provisions of this ordinance. The said live stock inspector, and assistant live stock inspector, shall have and keep a fixed and known office in the city of Louisville, with a telephone therein, and the office hours of said live stock inspector, and assistant live stock inspector, shall be between 7 o'clock A. M. and 4 o'clock P. M., of each day, and one of them shall be in said office at all times between the hours aforesaid so they can be communicated with by all persons having business connected with said office.

§ 12. That said live stock inspector shall receive a salary of twelve hundred dollars per annum, payable monthly, and said assistant live stock inspector shall receive a salary of nine hundred dollars per annum, payable monthly, as the salaries of other city officers, and in addition to the salary of said live stock inspector he shall be allowed the expense of keeping a telephone at his office, and the rent of such office.

§ 13. That nothing in this ordinance shall be construed to

interfere with the term of the present live stock inspector, which expires on the first Tuesday in December, 1900, but the duties of said officer shall be regulated by the provisions of this ordinance after its passage.

§ 14. That all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

§ 15. That this ordinance shall take effect from and after its passage.

The foregoing ordinance having been duly passed by the General Council, was presented to the Mayor, who returned the same with his objections in writing thereto, November 5, 1900, whereupon it was reconsidered by the Board of Councilmen, and two-thirds of the members-elect of that board having, on that date, concurred in adopting it again, and it then having been sent to the Board of Aldermen, which board reconsidered the same, and again passed it by the votes of two-thirds of its members on November 8, 1900, it became obligatory at the latter date under the provisions of section 2795, Kentucky Statutes.

S. F. HARLAN, C. B. C.

ALF. W. DAVIS, C. B. A.

FRANCHISE.

Laying Steam Pipe Through Fourteenth Street.

AN ORDINANCE To Provide for the Sale of a Franchise for Laying and Maintaining a Pipe for Conducting Steam, Through a Portion of Fourteenth Street and Across Broadway.

Be it ordained by the General Council of the city of Louisville:

§ 1. There is hereby created a franchise for laying and maintaining a pipe for conducting steam in Fourteenth street from the south line of Magazine street to a point across and two hundred and fifty feet south of the south line of Broadway, which shall continue for twenty years from the time the same takes effect.

§ 2. Said pipe shall be laid on the westerly side of Fourteenth street in a direct line between the points above specified, with the right to connect therewith by pipes under the sidewalk at some one point between the south line of Magazine

street and the first alley south thereof, and at some one point south of Broadway. The whole thereof, shown by dotted line on the plat, made a part thereof.

§ 3. Said pipe shall be laid under the direction of the Chief Engineer of the Board of Public Works, at such depth and in such manner as he may prescribe. The work shall be done under the personal supervision of an employe of the Board of Public Works, to be designated by the Board, and the bidder to whom the franchise is awarded shall pay the Board of Public Works immediately upon the reception of the work at the rate of three dollars for each day of nine hours spent by such employe in supervising said work. The street shall be restored to its former condition to the satisfaction of the Chief Engineer, and the bidder to whom the franchise shall be awarded shall be obliged, during the term of said franchise, to maintain that part of the public way where said pipe is laid in good condition, to the satisfaction of said Chief Engineer.

§ 4. As soon as may be practicable after the approval and publication of this franchise, it shall be the duty of the Board of Public Works to advertise for four days in the daily newspapers published in the city of Louisville, and which have been selected by the General Council to do the public advertising, that bids will be publicly received for the before mentioned franchise or privilege, and they shall thereafter, according to such advertisement, receive such bids and award such franchise or privilege to the highest and best bidder; subject, however, to the approval of the General Council of said city. Such advertisement shall reserve the right to reject any and all bids.

§ 5. The bidder to whom such franchise or privilege shall be awarded shall pay the amount of such bid in cash to the Treasurer of said city within ten days after the same shall have been approved by the General Council; and no bid shall be received or considered by the said Board of Public Works unless every bidder shall deposit with his bid a check, payable to the Treasurer of said city, for the sum of one hundred dollars (\$100) and for a further sum sufficient to cover the cost of the advertising provided in Section 4 of this ordinance, which check shall have been duly certified by a bank established and doing a regular business in the city of Louisville. Said sum of one hundred dollars (\$100) shall be treated as part payment by the successful bidder in case he shall comply with his bid; and if he shall not, it shall be treated and retained as liquidated damages due to the said city. The successful bidder shall pay the cost of the advertising, provided in Section 4 hereof, which cost shall be retained out of the check aforesaid. No sale of

such franchise shall be made for less than the sum of one hundred dollars.

§ 6. This ordinance shall take effect and be in force from and after its passage.

Approved January 22, 1908.

FRANCHISE.

Water Pipe in Fifth Street.

AN ORDINANCE To Provide for the Sale of a Franchise for Laying and Maintaining a Pipe for Conducting Water, Across Fifth Street and in A Street.

Be it ordained by the General Council of the city of Louisville:

§ 1. There is hereby created a franchise for laying and maintaining a water-pipe for conducting water across Fifth Street and in A Street, from the South-West corner of Fifth and A Streets, to the South-East corner of the alley that extends South from A Street to Lee Street between Fourth and Fifth Streets, which shall continue for twenty years, from the time the same takes effect.

§ 2. Said pipe shall be laid under the sidewalk on the Southern side of A Street, in a direct line, between the points above specified, with the right to connect therewith with pipes under said sidewalk, at the termini. The whole thereof, shown by dotted lines on the plat, made a part hereof.

§ 3. Said pipe shall be laid under the direction of the Chief Engineer of the Board of Public Works, at such depth and in such manner as he may prescribe. The work shall be done under the personal supervision of an employe of the Board of Public Works, to be designated by the Board, and the bidder to whom the franchise is awarded shall pay the Board of Public Works immediately upon the reception of the work at the rate of three dollars for each day of nine hours spent by such employe in supervising said work. The street shall be restored to its former condition to the satisfaction of the Chief Engineer, and the bidder to whom the franchise shall be awarded shall be obliged, during the term of said franchise, to maintain that part of the public way where said pipe is laid in good condition to the satisfaction of said Chief Engineer.

§ 4. As soon as may be practicable after the approval and publication of this franchise, it shall be the duty of the Board

of Public Works to advertise for four days in the daily newspapers published in the city of Louisville, and which have been selected by the General Council to do the public advertising, that bids will be publicly received for the before mentioned franchise or privilege, and they shall thereafter, according to such advertisement, receive such bids and award such franchise or privilege to the highest and best bidder; subject, however, to the approval of the General Council of said city. Such advertisement shall reserve the right to reject any and all bids.

§ 5. The bidder to whom such franchise or privilege shall be awarded shall pay the amount of such bid in cash to the Treasurer of said city within ten days after the same shall have been approved by the General Council; and no bid shall be received or considered by the said Board of Public Works unless every bidder shall deposit with his bid a check, payable to the Treasurer of said city, for the sum of Fifty (\$50.00) Dollars and for a further sum sufficient to cover the cost of the advertising provided in Section 4 of this ordinance, which check shall have been duly certified by a bank established and doing a regular business in the city of Louisville. Said sum of Fifty Dollars (\$50.00) shall be treated as part payment by the successful bidder in case he shall comply with his bid; and if he shall not, it shall be treated and retained as liquidated damages due to the said city. The successful bidder shall pay the cost of the advertising, provided in Section 4 hereof, which cost shall be retained out of the check aforesaid. No sale of such franchise shall be made for less than the sum of One Hundred Dollars.

§ 6. This ordinance shall take effect and be in force from and after its passage.



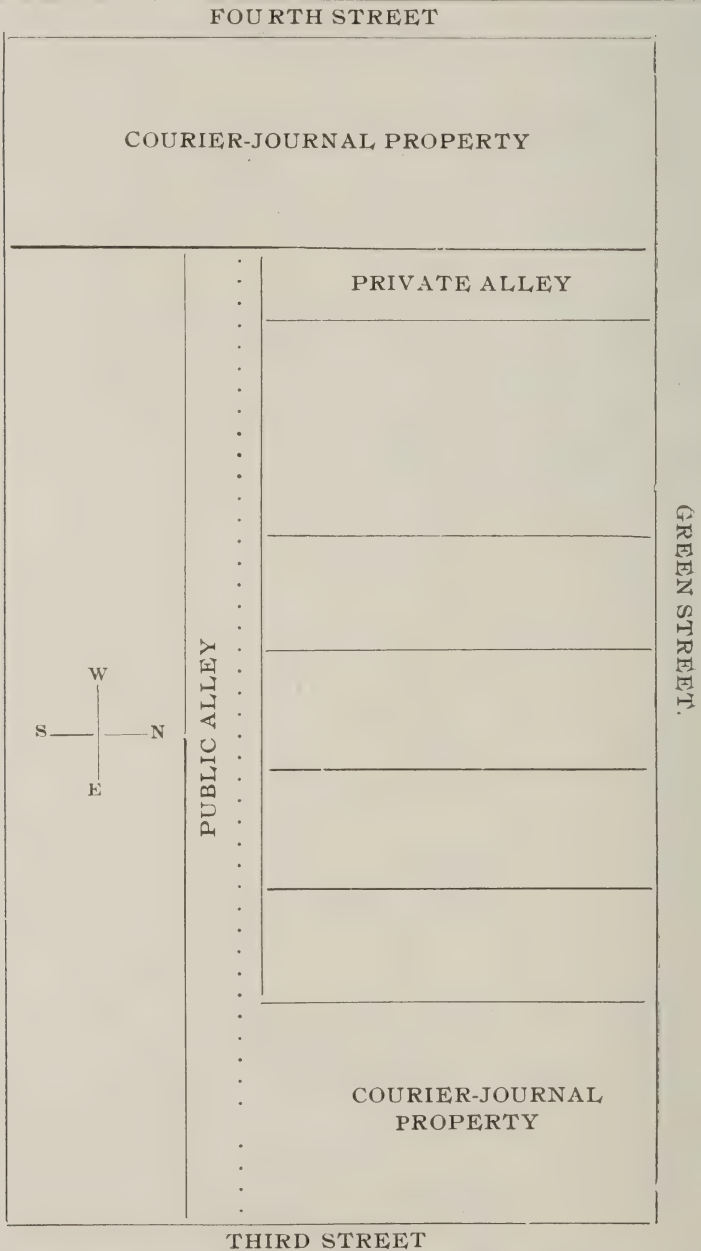
Approved April 7, 1908.

Conduct Steam Heat, etc.

AN ORDINANCE to provide for the sale of a franchise for laying and maintaining a pipe in the alley between Third and Fourth avenues, south of Green street.

Be it ordained by the General Council of the city of Louisville:

§ 1. There is hereby created a franchise for laying and maintaining a pipe for conducting heat, steam or electricity from the property of the Courier-Journal Company, at Fourth avenue and Green streets, to the property of the Courier-Journal Company, at Third avenue and Green street, through the alley running south of Green street, between Third avenue and the Courier-Journal property, which shall continue for twenty years from the time that same takes effect.



(The dotted line corresponds to the red line in the original map and indicates proposed pipe line.)

§ 2. Said pipe shall be laid in the alley in a direct line between the points above specified, with the right to connect with pipes in the building at each terminus. The whole thereof shown by dotted red line on the plat made a part hereof.

§ 3. Said pipe shall be laid under the direction of the Chief Engineer of the Board of Public Works at such depth and in such manner as he may prescribe. The work shall be done under the direct supervision of an employe of the Board of Public Works to be designated by the board, and the bidder to whom the franchise is awarded shall pay the Board of Public Works immediately upon the reception of the work at the rate of three dollars (\$3) for each day of nine hours spent by such employe in supervising such work.

The alley shall be restored to its former condition to the satisfaction of the Chief Engineer, and the bidder to whom the franchise shall be awarded shall be obliged during the term of such franchise to maintain that part of the public way where said pipe is laid in good condition, to the satisfaction of said Chief Engineer.

§ 4. As soon as may be practicable after the approval and publication of such franchise it shall be the duty of the Board of Public Works to advertise in the daily newspapers published in the city of Louisville, and which have been selected by the General Council to do the public advertising, that bids may be publicly received for the before mentioned franchise or privilege, and they shall thereafter, according to such advertisement, receive such bids and award such franchise or privilege to the highest and best bidder, subject, however, to the approval of the General Council of said city. Such advertisement shall reserve the right to reject any and all bids.

§ 5. The bidder to whom such franchise or privilege shall be awarded shall pay the amount of such bid in cash to the Treasurer of said city within ten days after the same shall have been approved by the General Council; and no bid shall be received or considered by the said Board of Public Works unless every bidder shall deposit with his bid a check payable to the Treasurer of the said city for the sum of fifty dollars (\$50) and for a further sum sufficient to cover the cost of advertising provided in Section 4 of this ordinance, which check shall have been duly certified by a bank established and doing a regular business in the city of Louisville. The said sum of fifty dollars (\$50) shall be treated as part payment by the successful bidder in case he shall comply with his bid; and if he shall not, it shall be treated and retained as liquidated damage due to said city. The successful bidder shall pay the cost of the advertising provided in Section 4 hereof, which cost shall be retained out of the check aforesaid. No sale of such fran-

chise shall be made for the sum of less than the sum of one hundred dollars (\$100).

§ 6. This ordinance shall take effect and be in force from and after its passage.

Approved August 10, 1908.

FRANCHISE.

Stringing and Maintaining Wires for Distribution of Electricity.

AN ORDINANCE creating the franchise or privilege of stringing and maintaining wire under the streets, alleys and the public places of the city of Louisville, and of distributing and selling electricity by means of such wires, and providing for the sale of said franchise.

Be it ordained by the General Council of the city of Louisville:

§ 1. There is hereby created a franchise or privilege of stringing wires for the sale of electricity under certain of the streets, alleys and other public places of the city of Louisville, and of constructing the necessary conduits, laterals and manholes necessary for the installation of such wires.

§ 2. The person, firm or corporation which shall become the purchaser of this franchise, or any successor or assignee of such purchaser, shall, for brevity, be hereinafter spoken of as "the Company."

The Company shall be bound by, and comply with all the terms and conditions of an ordinance of the city of Louisville requiring wires to be placed underground, and entitled, "An Ordinance Concerning Telegraph, Telephone and Electric Light and Power Wires in the City of Louisville," and with the provisions of any future ordinance which may hereafter become a law, requiring poles to be taken down or wires placed underground, to the same extent that the Louisville Lighting Company, the Kentucky Electric Company, or any successor to either of said Companies, or owner of either of said Companies' franchise may be required to comply therewith.

§ 3. The Company shall have the right to construct, maintain and operate conduits and manholes, to erect poles, to string and maintain wires and to distribute and sell electricity through said wires, on or under the following streets, alleys and

public ways of the city of Louisville, to-wit: (1) Beginning at a point in Main street twenty feet east of Third street, thence extending westwardly on Main street to a point midway between Fifth and Sixth streets. (2) Beginning at a point on the aforesaid line at the intersection of Main street with the alley that is between Fourth and Fifth streets, thence extending southwardly on said alley to Market street, thence extending eastwardly on Market street to Fourth street, thence extending southwardly on Fourth street to the alley between Market and Jefferson streets; thence extending eastwardly on said alley to a point midway between Second and Third streets, and westwardly on said alley to a point midway between Fourth and Fifth streets, all as indicated by the red lines on the following map, to-wit:



§ 4. The price at which the Company shall sell electricity shall not exceed eight cents per thousand Watts for lighting purposes, or four cents per thousand Watts for power purposes. When the amount of electricity actually taken is very small in proportion to that which the Company must stand ready to furnish to the consumer, then a reasonable charge may be made each month for such service—the charge only to be large enough to cover the actual cost of being ready at all times to render the service, and shall in no event be large enough to yield any profit whatever. It shall be the duty of the Company to furnish to the city of Louisville and maintain for public lighting, lamps of such pattern or kind and of the capacity and power as may be determined on by the Board of Public Works, at a price not to exceed \$67.00 for each lamp per year; and in addition the said Company shall furnish such other lights as may be required by the city at any point that can be reached by its wires. The city of Louisville reserves the right to hereafter make such reduction in said maximum charges fixed herein, as may be reasonable and proper.

§ 5. This franchise or privilege shall continue for a period of twenty years from and after the same shall become effective.

§ 6. The Company shall not sell out to, make joint stock with, or pass under the control of any competing company, nor shall it by any device enter into any arrangement which will prevent bona fide competition in the furnishing of electricity, and in case the Company shall violate this section, the franchise herein granted shall become void.

§ 7. Nothing in this ordinance shall be construed as exclusive or as preventing the city of Louisville from granting a like franchise to any other person, firm or corporation.

§ 8. The Company shall, within fifteen months after this franchise shall become effective, have a plant equipped with at least a capacity of 450 Kilowatts, and shall have covered its wires and be ready to furnish electricity, in that part of the territory in the city of Louisville as set forth in Section 3 of this ordinance excepting along said alley from a point midway between Third and Fourth Streets, to a point midway between Second and Third Streets, as shown by the dotted part of said red line in the above map, sufficient to use at least 450 Kilowatts.

In case of the failure of the Company to carry out any of the conditions imposed in this section, this franchise shall become void and the bond herein provided for shall be forfeited, and the amount of said bond shall at once be paid to the city of Louisville as liquidated damages. All work in the construction, laying or maintenance of the Company's conduits, wires, poles or appliances under, along or across any of the public ways of

the city of Louisville shall be done under the supervision of the Board of Public Works of said city, and the city shall have the right to employ an inspector or inspectors to see that its plans and specifications are carried out in the doing of said work, and to fix a reasonable compensation for the services of such inspector or inspectors, which shall be paid by the Company.

§ 9. It shall be the duty of the Board of Public Works as soon as practicable after the passage of this ordinance, to advertise for a period of three weeks in such a manner as the Board may determine, the sale of the franchise or privilege herein set out, and to sell the same at public auction to the highest and best bidder at a time and place to be fixed by the said Board, in which advertisement the right to reject any and all bids shall be reserved.

§ 10. The bidder to whom said franchise or privilege shall be awarded shall, within ten days after the acceptance of his bid, pay the amount of said bid in cash to the City Treasurer. No bid for such franchise or privilege shall be received or considered by said Board unless such bidder shall at least two hours before the time set for such sale, deposit with the person conducting the sale for the city of Louisville, a check payable to the City Treasurer of said city, for the sum of \$2,000.00 duly certified by some National Bank doing business in the city of Louisville, which sum shall be treated as part payment on the purchase price by the successful bidder, in case he shall comply with the terms of bid, and if he shall not, it shall be retained as liquidated damages due the city. Any checks which may be deposited by unsuccessful bidders shall be at once returned to them. The upset price of said franchise or privilege shall be, and the same is hereby fixed at \$5,000.00, and the Board of Public Works shall not accept any bid for less than that amount.

§ 11. Inasmuch as the object of this franchise is to secure to the city of Louisville, the benefit of competition in electricity, and inasmuch as the Louisville Lighting Company and the Kentucky Electric Company already have all the privileges conferred by this ordinance, the Board of Public Works shall not accept or consider any bid made directly or indirectly by the Louisville Lighting Company or the Kentucky Electric Company, or by any one in any wise connected with, or acting directly or indirectly in the interest of said corporations, or either of them. Each bidder shall file with the certified check hereinabove required, a sworn statement that the bidder is not acting directly or indirectly in the interest of the Louisville Lighting Company, or the Kentucky Electric Company, or of any person, firm or corporation who desires to suppress or pre-

vent competition in the sale of electricity. The checks and affidavits to be filed shall immediately, upon the filing of same, become public records.

§ 12. The Company shall, within ten days after the franchise becomes operative, execute bond to the city of Louisville with good and sufficient sureties, to be approved by the city, in the sum of \$20,000.00, conditioned upon the faithful performance and discharge of all the obligations imposed upon the Company by this ordinance, and conditioned that the Company shall restore the sidewalks and pavements on all public ways to their original condition, and shall save the city harmless from all loss or damage, which may be done to its public ways and other property, or to the person or property of individuals by the conduct of the Company's business. Said bond shall be renewed from time to time as and when required by the city of Louisville. Said bond shall further be conditioned that the Company shall defend all suits and pay all judgments against the city of Louisville arising out of the construction, maintenance or operation of the Company's conduits, wires, poles, appliances or plant.

§ 13. In case the successful bidder for said franchise or privilege shall fail within ten days after said bid shall have been accepted, to pay to the City Treasurer the full purchase price of said franchise or privilege, and to furnish the bond required in Section 12, the Board of Public Works shall again advertise said franchise or privilege for sale, as provided in Section 9 of this ordinance, and shall again sell said franchise or privilege in the same manner and upon the same condition and requirements in all respects as the original sale of said franchise or privilege was made, and in case the successful bidder of such resale shall fail or refuse to comply with the terms of said sale within the time prescribed, then the Board of Public Works shall again readvertise said franchise or privilege for sale in the manner provided herein, and shall continue to do so until said franchise or privilege is purchased by some bidder who will comply with the terms of said sale.

§ 14. The Company shall use all the necessary and proper machinery and appliances to prevent the emission of soot or any unreasonable amount of smoke from any chimney or smokestack on the plant or building used in the operation of or in connection with said franchise.

§ 15. All ordinances, or parts of ordinances, in conflict with the provisions hereof, are hereby repealed.

§ 16. This ordinance shall take effect from and after its passage.

Approved March 26, 1908.

FRANCHISE.**Stringing and Maintaining Wires for Distribution of Electricity.**

AN ORDINANCE creating the franchise or privilege of stringing and maintaining wires under certain streets, alleys and the public places of the city of Louisville, and of distributing and selling electricity by means of such wires and providing for the sale of said franchise.

Be it ordained by the General Council of the city of Louisville:

§ 1. There is hereby created a franchise or privilege of stringing wires for the sale of electricity under certain of the streets, alleys and other public places of the city of Louisville, and of constructing the necessary conduits, laterals and manholes necessary for the installation of such wires.

§ 2. The person, firm or corporation which shall become the purchaser of this franchise, or any successor or assignee of such purchaser, shall, for brevity, be hereinafter spoken of as "The Company."

The company shall be bound by, and comply with, all the terms and conditions of an ordinance of the city of Louisville requiring wires to be placed underground, and entitled "An Ordinance Concerning Telegraph, Telephone and Electric Light and Power Wires in the City of Louisville," and with the provisions of any future ordinance which may hereafter become a law, requiring poles to be taken down or wires placed underground, to the same extent that the Louisville Lighting Company, the Kentucky Electric Company, or any other company now doing business in said city of a like character may be required to comply with.

§ 3. The company shall have the right to construct, maintain and operate conduits and manholes, and to maintain and operate wires therein, under the alleys and public ways of the city of Louisville, within the square bounded by Fourth street, Fifth street, Green and Walnut streets, being the two alleys shown on the map attached hereto.

§ 4. The price at which the company shall sell electricity shall not exceed eight cents per thousand watts for lighting purposes, or four cents per thousand watts for power purposes. When the amount of electricity actually taken is very small in proportion to that which the company must stand ready to furnish to the consumer, then a reasonable charge may be

made each month for such service, the charge only to be large enough to cover the actual cost of being ready at all times to render the service, and shall in no event be large enough to yield any profit whatever. It shall be the duty of the company to furnish to the city of Louisville and maintain for public lighting, lamps of such a pattern or kind and of the capacity and power as may be determined on by the Board of Public Works, at a price not to exceed sixty-seven dollars for each lamp per year within said territory; and in addition the said company shall furnish such other lights as may be required by the city at any point that can be reached by its wires, and the city of Louisville reserves the right to hereafter make such reduction in said maximum charges fixed herein, as may be reasonable, proper and necessary.

§ 5. This franchise or privilege shall continue for a period of twenty years from and after the same shall become effective.

§ 6. The company shall not sell out to, make joint stock with, or pass under the control of any competing company, nor shall it by any device enter into any arrangement which will prevent bona fide competition in the furnishing of electricity, within the territory named, and in case the company shall violate this section, the franchise herein granted shall become void.

§ 7. Nothing in this ordinance shall be construed as exclusive or as preventing the city of Louisville from granting a like franchise or privilege to any other person, firm or corporation.

§ 8. The company shall, within six (6) months after this franchise shall become effective, have a plant equipped with at least a capacity of one hundred and seventy-five kilowatts, and shall have covered with its wires and be ready to furnish electricity, in that part of the territory in the city of Louisville as set forth in Section 3 of this ordinance, sufficient to use at least one hundred and seventy-five kilowatts.

In case of the failure of the company to carry out any of the conditions imposed in this section, this franchise shall become void and the bond herein provided for shall be forfeited, and the amount of said bond shall at once be paid to the city of Louisville as liquidated damages. All work in the construction, laying or maintenance of the company's conduits, wires, poles or appliances under, along or across any of the public ways of the city of Louisville shall be done under the supervision of the Board of Public Works of said city, and the city shall have the right to employ an inspector or inspectors to see that its plans and specifications are carried out in the doing of said work, and to fix a reasonable compensation for the services of such inspector or inspectors; provided, however, that said company may use, if it can acquire by purchase, conduits, wires, poles or appliances now existing in said streets or public ways.

§ 9. It shall be the duty of the Board of Public Works as soon as practicable after the passage of this ordinance, to advertise for a period of three weeks in such manner as the Board may determine, the sale of the franchise or privilege herein set out, and to sell the same at public auction to the highest and best bidder, at a time and place to be fixed by the said Board.

§ 10. The bidder to whom said franchise or privilege shall be awarded shall, within ten days after his bid is approved by the General Council of the city of Louisville, pay the amount of said bid in cash to the City Treasurer. No bid for such franchise or privilege shall be received or considered by said Board, unless such bidder shall at least two hours before the time set for such sale, deposit with the Board of Public Works of the city of Louisville, a check payable to said Board of Public Works of said city, for the sum of five hundred dollars (\$500), duly certified by some national bank doing business in the city of Louisville, which sum shall be treated as part payment on the purchase price by the successful bidder in case he shall comply with the terms of his bid; and if he shall not, it shall be kept and retained by the said city, and the franchise shall again be offered for sale. If the franchise be finally sold for less than the accepted bid of the purchaser who fails to comply with the terms of his bid, the city shall have the right to recover the difference from such purchaser so failing to comply, credited by the amount of his deposited check. Any checks which may be deposited by unsuccessful bidders shall be at once returned to them.

The upset price of said franchise or privilege hereby created is hereby fixed at the sum of one thousand dollars (\$1,000) and the Board of Public Works shall not accept any bid for less than that amount.

§ 11. Inasmuch as the object of this franchise is to secure to the city of Louisville the benefit of competition in electricity, and inasmuch as the Louisville Lighting Company and the Kentucky Electric Company already have all the privileges conferred by this ordinance, the Board of Public Works shall not accept or consider any bid made directly or indirectly by the Louisville Lighting Company or the Kentucky Electric Company, or by any one in any wise connected with, or acting directly or indirectly in the interest of said corporations, or either of them. Each bidder shall file with the certified check hereinabove required, a sworn statement that the bidder is not acting directly or indirectly in the interest of the Louisville Lighting Company, or the Kentucky Electric Company, or of any person, firm or corporation who desires to suppress or prevent competition in the sale of electricity. The checks and

affidavits required to be filed shall immediately, upon the filing of same, become public records.

§ 12. The company shall, within ten days after the franchise becomes operative, execute bond to the city of Louisville with good and sufficient sureties to be approved by the city, in the sum of five thousand dollars (\$5,000), conditioned upon the faithful performance and discharge of all the obligations imposed upon the company by this ordinance, and conditioned that the company shall restore the sidewalks and pavements on all public ways to their original condition, and maintain same over said conduits in such condition, and shall save the city harmless from all loss or damage, which may be done to its public ways and other property, or to the person or property of individuals by the conduct of the company's business within the territory named. Said bond shall be renewed from time to time as required by the city of Louisville. Said bond shall further be conditioned that the company shall defend all suits and pay all judgments against the city of Louisville arising out of the construction, maintenance or operation of the company's conduits, wires, poles, appliances or plant.

§ 13. In case the successful bidder for said franchise or privilege shall fail within ten days after said bid shall have been accepted, to pay to the City Treasurer the full purchase price of said franchise or privilege, and to furnish the bond required in Section 12 hereof, the Board of Public Works shall again advertise said franchise or privilege for sale, as provided in Section 9 of this Ordinance, and shall again sell said franchise or privilege in the same manner and upon the same conditions and requirements in all respects, as the original sale of said franchise or privilege was made, and in case the successful bidder of such resale shall fail or refuse to comply with the terms of said sale within the time prescribed, then the Board of Public Works shall again readvertise said franchise or privilege for sale in the manner provided herein, and shall continue to do so until said franchise or privilege is purchased by some bidder who will comply with the terms of said sale. Every bidder who fails to comply with the terms of his bid shall be liable to the city for the amount by which his bid, less his deposited check, exceeds the amount for which the franchise is ultimately sold.

§ 14. The company shall use all the necessary and proper machinery and appliances to prevent the emission of soot or any unreasonable amount of smoke from any chimney or smokestack on the plant or building used in the operation of or in connection with said franchise.

§ 15. All ordinances, or parts of ordinances, in conflict with the provisions herewith, are hereby repealed.

§ 16. This ordinance shall take effect from and after its passage.

Approved April 3, 1909.

FRANCHISE.

For Distribution of Refrigeration.

AN ORDINANCE to provide for the sale of a franchise for laying and maintaining pipes for the distribution of refrigeration from a point in Bullitt street, about one hundred and forty feet south of Water street and crossing Main street from north to south, and across, under and along the alleys in the block bounded by Main, Market, Fourth and Fifth streets.

Be it ordained by the General Council of the city of Louisville:

§ 1. There is hereby created a franchise for laying and maintaining pipes for conducting refrigeration from a point in Bullitt street, about one hundred and forty feet south of Water street and crossing Main street from north to south, and under and across and along the alleys in the block bounded by Main, Market, Fourth and Fifth streets, which shall continue for twenty years from the time that the same takes effect.

§ 2. Said pipes shall be laid in the streets and alleys at some point which will not interfere with existing pipes now occupying said streets and alleys.

§ 3. Said pipes shall be laid under the direction of the Chief Engineer of the Board of Public Works, at such depth, and in such manner as he may prescribe. The work shall be done under the direct supervision of an employe of the Board of Public Works to be designated by the board, and the bidder to whom the franchise is awarded shall pay the Board of Public Works immediately upon the reception of the work at the rate of three (\$3.00) dollars for each day of nine hours spent by such employe in supervising such work.

The streets and alleys shall be restored to the former condition to the satisfaction of the Chief Engineer, and the bidder to whom the franchise shall be sold shall be obliged, during the term of such franchise, to maintain that part of the pub-

lie ways where said pipes are laid in good condition, to the satisfaction of said Chief Engineer.

§ 4. As soon as may be practicable after the approval and publication of such franchise, it shall be the duty of the Board of Public Works to advertise in the daily newspapers published in the city of Louisville, and which have been selected by the General Council to do the public advertising, for a period of two weeks, that bids may be publicly received for the before-mentioned franchise or privilege, and they shall thereafter, according to such advertisements, receive such bids and award such franchise or privilege to the highest and best bidder, subject, however, to the approval of the General Council of said city; such advertisement shall reserve the right to reject any and all bids.

§ 5. The bidder to whom such franchise or privilege shall be awarded shall pay the amount of such bid in cash to the treasurer of said city, within ten days after the same shall have been approved by the General Council; and no bid shall be received or considered by the said Board of Public Works, unless the bidder shall deposit with his bid a check payable to the treasurer of the said city for the sum of fifty (\$50.00) dollars, and further sum sufficient to cover the cost of advertising, provided in Section 4 of this ordinance, which check shall have been duly certified by a bank established and doing a regular business in the city of Louisville.

The said sum of fifty (\$50.00) dollars shall be treated as part payment, by the successful bidder, in case he shall comply with his bid, and if he shall not, it shall be treated and retained as liquidated damage due to said city.

§ 6. The bidder to whom such franchise or privilege shall be awarded shall begin work within one month after this franchise shall become effective and within six months shall have the main lines completed.

§ 7. The successful bidder shall, within ten days after the privilege becomes operative, execute bond to the city of Louisville with good and sufficient sureties, to be approved by the city, in the sum of \$5,000, conditioned upon the faithful performance and discharge of all of the obligations imposed by this ordinance. Said bond shall continue for a period of one year from the date thereof, and same shall be renewed from time to time as and when required by the city of Louisville. Said bond shall further be conditioned that the purchaser shall defend all suits and pay all judgments against the city of Louisville arising out of the construction, maintenance or operation of the purchaser's conduits, appliances or plant.

§ 8. The successful bidder shall pay the cost of advertising, provided in Section 4 hereof. No sale of such franchise shall be made for less than the sum of one hundred (\$100.00) dollars.

§ 9. The amount of profit which the purchaser of such franchise shall be allowed to earn shall not exceed 8 per cent. per year net on his investment after all expense has been deducted and the proper allowance made for wear and tear and depreciation. Any excess made over 8 per cent. shall be paid into the general fund of the city of Louisville.

§ 10. The purchaser of such franchise shall keep accurate books showing every item of receipts and expenditures and the city of Louisville, through its auditing department or any accredited agent of the city, shall have the right to examine the books twice each year on or about the 1st day of January and the 1st day of July in each and every year so as to determine what profit is being made by the purchaser under this franchise.

§ 11. Nothing in this ordinance shall be construed as exclusive or as preventing the city of Louisville from granting a like privilege to any other person, firm or corporation.

§ 12. This ordinance shall take effect and be in force from and after its passage.

Approved October 4, 1909.

FRANCHISE.

Maintaining Pipes for Distribution of Steam Heat.

AN ORDINANCE to provide for the sale of a franchise for laying and maintaining pipes for the distribution of steam heat from a point in Bullitt street, about one hundred and forty feet south of Water street, and crossing Main street from north to south, and across, under and along the alleys in the block bounded by Main, Market, Fourth and Fifth streets.

Be it ordained by the General Council of the city of Louisville:

§ 1. There is hereby created a franchise for laying and maintaining pipes for conducting steam heat from a point in Bullitt street, about one hundred and forty feet south of Water street and extending to and across Main street, between Fourth

and Fifth streets, and under and across and along the alleys in the block bounded by Main, Market, Fourth and Fifth streets, which shall continue for twenty years from the time that same takes effect.

§ 2. Said pipes shall be laid in the streets and alleys at some point which will not interfere with existing pipes now occupying said streets and alleys.

§ 3. Said pipes shall be laid under the direction of the Chief Engineer of the Board of Public Works, at such depth, and in such manner as he may prescribe. The work shall be done under the direct supervision of an employe of the Board of Public Works to be designated by the board, and the bidder to whom the franchise is awarded shall pay the Board of Public Works immediately upon the reception of the work at the rate of three (\$3.00) dollars for each day of nine hours spent by such employe in supervising such work.

The streets and alleys shall be restored to the former condition to the satisfaction of the Chief Engineer, and the bidder to whom the franchise shall be sold shall be obliged, during the term of such franchise, to maintain that part of the public ways where said pipes are laid in good condition, to the satisfaction of said Chief Engineer.

§ 4. As soon as may be practicable after the approval and publication of such franchise, it shall be the duty of the Board of Public Works to advertise in the daily newspapers published in the city of Louisville, and which have been selected by the General Council to do the public advertising, for a period of two weeks, that bids may be publicly received for the before-mentioned franchise or privilege, and they shall thereafter, according to such advertisements, receive such bids and award such franchise or privilege to the highest and best bidder, subject, however, to the approval of the General Council of said city; such advertisement shall reserve the right to reject any and all bids.

§ 5. The bidder to whom such franchise or privilege shall be awarded shall pay the amount of such bid in cash to the Treasurer of said city, within ten days after the same shall have been approved by the General Council; and no bid shall be received or considered by the said Board of Public Works unless the bidder shall deposit with his bid a check payable to the Treasurer of the said city, for the sum of fifty (\$50.00) dollars, and further sum sufficient to cover the cost of advertising, provided in Section 4 of this ordinance, which check shall have been duly certified by a bank established and doing a regular business in the city of Louisville.

The said sum of fifty (\$50.00) dollars shall be treated as part payment by the successful bidder, in case he shall comply

with his bid, and if he shall not, it shall be treated and retained as liquidated damage due to said city.

§ 6. The bidder to whom such franchise or privilege shall be awarded shall begin work within one month after this franchise shall become effective and within six months shall have the main lines completed.

§ 7. The successful bidder shall, within ten days after the privilege becomes operative, execute bond to the city of Louisville with good and sufficient sureties, to be approved by the city in the sum of \$5,000.00, conditioned upon the faithful performance and discharge of all the obligations imposed by this ordinance. Said bond shall continue for a period of one year from the date thereof, and the same shall be renewed from time to time as and when required by the city of Louisville. Said bond shall further be conditioned that the purchaser shall defend all suits and pay all judgments against the city of Louisville arising out of the construction, maintenance or operation of the purchaser's conduits, appliances or plant.

§ 8. The successful bidder shall pay the cost of advertising, provided in Section 4 hereof. No sale of such franchise shall be made for less than the sum of one hundred (\$100.00) dollars.

§ 9. The amount of profit which the purchaser of such franchise shall be allowed to earn shall not exceed eight per cent. per year net on his investment after all expense has been deducted and the proper allowance made for wear and tear and depreciation. Any excess made over eight per cent. shall be paid into the general fund of the city of Louisville.

§ 10. The purchaser of such franchise shall keep accurate books showing every item of receipts and expenditures and the city of Louisville, through its auditing department or any accredited agent of the city, shall have the right to examine the books twice each year on or about the 1st day of January and the 1st day of July in each and every year so as to determine what profit is being made by the purchaser under this franchise.

§ 11. Nothing in this ordinance shall be construed as exclusive or as preventing the city of Louisville from granting a like privilege to any other person, firm or corporation.

§ 12. This ordinance shall take effect and be in force from and after its passage.

Approved October 4, 1909.

FRANCHISE.**For Distribution of Steam Heat.**

AN ORDINANCE creating the franchise, and for the sale of the franchise, for laying and maintaining pipes for the distribution of steam heat from a point beginning in and across the first alley south of Green street, from the east line of Fifth street to the first alley west of Fourth street, and in and across the first alley west of Fourth street, from the north line of Walnut street to its northernmost end, about 160 feet south of Green street, and within the square bounded by the west line of Fourth street, the east line of Fifth street, the north line of Walnut street, and the south line of Green street, in the city of Louisville.

Be it ordained by the General Council of the city of Louisville:

§ 1. There is hereby created a franchise for laying and maintaining pipes for conducting steam heat from a point beginning in and across the first alley south of Green street, from the east line of Fifth street to the first alley west of Fourth street, and in and across the first alley west of Fourth street, from the north line of Walnut street to its northernmost end, about 160 feet south of Green street, and within the square bounded by the west line of Fourth street, the east line of Fifth street, the north line of Walnut street and the south line of Green street, in the city of Louisville, which franchise shall continue for a period of twenty years from the time the same takes effect.

§ 2. Said pipes shall be laid in the alleys at some point which shall not interfere with existing pipes, now occupying said alleys.

§ 3. Said pipes shall be laid under the direction of the chief engineer of the Board of Public Works, at such depth and in such manner as he may prescribe; the work shall be done under the direct supervision of an employe of the Board of Public Works, to be designated by the board, and the bidder to whom the franchise is awarded shall pay the Board of Public Works immediately upon the reception of the work at the rate of three dollars for each day of nine hours spent by such employe in supervising said work.

The alleys shall be restored to their former condition to the satisfaction of the chief engineer, and the bidder to whom the franchise shall be awarded shall be obligated, during the term of such franchise, to maintain the part of the public ways, where said pipes are laid, in good condition to the satisfaction of said chief engineer.

§ 4. As soon as may be practicable after the approval and publication of said franchise, it shall be the duty of the Board of Public Works to advertise in the daily newspapers published in the city of Louisville, and which have been selected by the General Council to do the public advertising, said franchise, for a period of two weeks, that bids may be properly received for the before-mentioned franchise or privilege, and it shall, after such advertisement, receive such bids and award said franchise or privilege to the highest and best bidder, subject to the approval of the General Council of said city. Said advertisement shall reserve the right to reject any and all bids.

§ 5. The bidder to whom such franchise or privilege shall be awarded shall pay the amount of such bid in cash to the Treasurer of said city within ten days after the same shall have been approved by the General Council, and no bid shall be received or considered by said Board of Public Works unless the bidder shall deposit with his bid a check payable to the Treasurer of said city for the sum of \$50, and a further sum sufficient to cover the costs of advertising provided in Section 4 of this ordinance. This check shall be duly certified by a bank established and doing business in the city of Louisville. The said sum of \$50 shall be treated as part payment by the successful bidder, in case he shall comply with his bid, and if he shall not, it shall be treated and retained as liquidated damages due the said city.

§ 6. The bidder to whom said franchise or privilege shall be awarded shall, within ten days after his bid is approved by the General Council of the city of Louisville, pay the amount of said bid in cash to the City Treasurer. No bid for such franchise or privilege shall be received or considered by said board unless such bidder shall at least two hours before the time set for such sale, deposit with the Board of Public Works of the city of Louisville a check payable to said Board of Public Works of said city for the sum of \$50, duly certified by some national bank doing business in the city of Louisville, which sum shall be treated as part payment on the purchase price by the successful bidder, in case he shall comply with the terms of his bid; and if he shall not, it shall be kept and retained by the said city, and the franchise shall again be offered for sale. If the franchise be finally sold for less than the accepted bid of

the purchaser who fails to comply with the terms of his bid, the city shall have the right to recover the difference from such purchaser so failing to comply, credited by the amount of his deposited check. Any checks which may be deposited by unsuccessful bidders shall be at once returned to them.

The upset price of said franchise or privilege hereby created is hereby fixed at the sum of \$100, and the Board of Public Works shall not accept any bid for less than that amount.

§ 7. The bidder to whom such franchise or privilege shall be awarded shall begin work within one month after this franchise shall become effective, and within six months shall have the main lines completed.

§ 8. The successful bidder shall, within ten days after the privilege becomes operative, execute a bond to the city of Louisville, with good and sufficient sureties, to be approved by the city, in the sum of \$5,000, conditioned upon the faithful performance and discharge of all the obligations imposed by this ordinance. Said bond shall continue for a period of one year from the date thereof, and shall be renewed from time to time and when required by the city of Louisville. Said bond shall further be conditioned that the purchaser shall defend all suits and pay all judgments against the city of Louisville arising out of the construction, maintenance or operation of the purchaser's conduits, appliances or plant.

§ 9. The successful bidder shall pay the cost of advertising, provided in Section 4 hereof. No sale of such franchise shall be made for less than the sum of \$100.

The purchaser of said franchise shall have the right to construct, maintain, operate conduits and manholes, and to operate pipes within said territory for the distribution of steam heat and the furnishing of such steam heat to persons desiring the same at reasonable rates during the term of said franchise.

§ 10. In case the successful bidder for said franchise or privilege shall fail within ten days after said bid shall have been accepted to pay to the City Treasurer the full purchase price of said franchise or privilege, and to furnish the bond required in Section 8 hereof, the Board of Public Works shall again advertise said franchise or privilege for sale, as provided in Section 4 of this ordinance, and shall again sell said franchise or privilege in the same manner and upon the same conditions and requirements in all respects as the original sale of said franchise or privilege was made, and in case the successful bidder of such re-sale shall fail or refuse to comply with the terms of said sale within the time prescribed, then the Board of Public Works shall again re-advertise said franchise or privilege for sale in the manner provided herein, and shall continue to do so until said franchise

or privilege is purchased by some bidder who will comply with the terms of said sale. Every bidder who fails to comply with the terms of his bid shall be liable to the city for the amount by which his bid, less his deposited check, exceeds the amount for which the franchise is ultimately sold.

§ 11. Nothing in this ordinance shall be construed as exclusive, or as preventing the city of Louisville from granting a like privilege to any other person, firm or corporation.

§ 12. This ordinance shall take effect and be in force from and after its passage.

Approved November 3, 1909.

FRANCHISE.

For Distribution of Refrigeration.

AN ORDINANCE creating the franchise, and for the sale of the franchise, for laying and maintaining pipes for the distribution of refrigeration from a point beginning in and across the first alley south of Green street from the east line of Fifth street to the first alley west of Fourth street and in and across the first alley west of Fourth street from the north line of Walnut street to its northernmost end, about 160 feet south of Green street, and within the square bounded by the west line of Fourth street, the east line of Fifth street, the north line of Walnut street and the south line of Green street, in the city of Louisville.

Be it ordained by the General Council of the city of Louisville:

§ 1. There is hereby created a franchise for laying and maintaining pipes for conducting refrigeration from a point beginning in and across the first alley south of Green street from the east line of Fifth street to the first alley west of Fourth street, and in and across the first alley west of Fourth street from the north line of Walnut street to its northernmost end, about 160 feet south of Green street, and within the square bounded by the west line of Fourth street, the east line of Fifth street, the north line of Walnut street and the south line of Green street, in the city of Louisville, which franchise shall con-

tinue for a period of twenty years from the time the same takes effect.

§ 2. Said pipes shall be laid in the alleys at some point which shall not interfere with existing pipes, now occupying said alleys.

§ 3. Said pipes shall be laid under the direction of the Chief Engineer of the Board of Public Works, at such depth, and in such manner as he may prescribe; the work shall be done under the direct supervision of an employe of the Board of Public Works, to be designated by the board, and the bidder to whom the franchise is awarded shall pay the Board of Public Works immediately upon the reception of the work at the rate of \$3 for each day of nine hours spent by such employe in supervising said work.

The alleys shall be restored to their former condition of the Chief Engineer and the bidder to whom the franchise shall be awarded shall be obligated, during the term of such franchise, to maintain the part of the public ways, where said pipes are laid, in good condition, to the satisfaction of said Chief Engineer.

§ 4. As soon as may be practicable after the approval and publication of said franchise, it shall be the duty of the Board of Public Works to advertise, in the daily newspapers published in the city of Louisville, and which have been selected by the General Council to do the public advertising, said franchise for a period of two weeks, that bids may be properly received for the before-mentioned franchise or privilege, and it shall, after such advertisement, receive such bids and award said franchise or privilege to the highest and best bidder, subject to the approval of the General Council of said city. Said advertisement shall reserve the right to reject any and all bids.

§ 5. The bidder to whom such franchise or privilege shall be awarded shall pay the amount of such bid in cash to the Treasurer of said city within ten days after the same shall have been approved by the General Council, and no bid shall be received or considered by said Board of Public Works, unless the bidder shall deposit with his bid a check payable to the Treasurer of said city for the sum of \$50, and a further sum sufficient to cover the costs of advertising provided in Section 4 of this ordinance. This check shall be duly certified by a bank established and doing business in the city of Louisville. The said sum of \$50 shall be treated as part payment by the successful bidder, in case he shall comply with his bid, and if he shall not, it shall be treated and retained as liquidated damages due the said city.

§ 6. The bidder to whom said franchise or privilege shall be awarded shall within ten days after his bid is approved by

the General Council of the city of Louisville, pay the amount of said bid in cash to the City Treasurer. No bid for such franchise or privilege shall be received or considered by said board unless such bidder shall at least two hours before the time set for such sale, deposit with the Board of Public Works of the city of Louisville, a check payable to said Board of Public Works of said city, for the sum of \$50, duly certified by some national bank doing business in the city of Louisville, which sum shall be treated as part payment on the purchase price by the successful bidder in case he shall comply with the terms of his bid; and if he shall not, it shall be kept and retained by the said city and the franchise shall again be offered for sale. If the franchise be finally sold for less than the accepted bid of the purchaser who fails to comply with the terms of his bid, the city shall have the right to recover the difference from such purchaser so failing to comply, credited by the amount of his deposited check. Any checks which may be deposited by unsuccessful bidders shall be at once returned to them.

The upset price of said franchise or privilege hereby created is hereby fixed at the sum of \$100, and the Board of Public Works shall not accept any bid for less than that amount.

§ 7. The bidder to whom such franchise or privilege shall be awarded shall begin work within one month after this franchise shall become effective, and within six months shall have the main lines completed.

§ 8. The successful bidder shall within ten days after the privilege becomes operative, execute a bond to the city of Louisville, with good and sufficient sureties to be approved by the city, in the sum of \$5,000, conditioned upon the faithful performance and discharge of all the obligations imposed by this ordinance. Said bond shall continue for a period of one year from the date thereof, and shall be renewed from time to time and when required by the city of Louisville. Said bond shall further be conditioned that the purchaser shall defend all suits and pay all judgments against the city of Louisville arising out of the construction, maintenance or operation of the purchaser's conduits, appliances or plant.

§ 9. The successful bidder shall pay the cost of advertising provided in Section 4 hereof. No sale of such franchise shall be made for less than the sum of \$100.

The purchaser of said franchise shall have the right to construct, maintain, operate conduits and manholes and to operate pipes within said territory for the distribution of refrigeration, and the furnishing of such refrigeration to persons desiring the same at reasonable rates, during the term of said franchise.

§ 10. In case the successful bidder for said franchise or

privilege shall fail within ten days after said bid shall have been accepted, to pay to the City Treasurer the full purchase price of said franchise or privilege, and to furnish the bond required in Section 8 hereof, the Board of Public Works shall again advertise said franchise or privilege for sale, as provided in Section 4 of this ordinance, and shall again sell said franchise or privilege in the same manner and upon the same conditions and requirements in all respects, as the original sale of said franchise, or privilege, was made, and in case the successful bidder of such re-sale shall fail or refuse to comply with the terms of said sale within the time prescribed, then the Board of Public Works shall again readvertise said franchise or privilege for sale in the manner provided herein, and shall continue to do so until said franchise or privilege is purchased by some bidder who will comply with the terms of said sale. Every bidder who fails to comply with the terms of his bid shall be liable to the city for the amount by which his bid, less his deposited check, exceeds the amount for which the franchise is ultimately sold.

§ 11. Nothing in this ordinance shall be construed as exclusive, or as preventing the city of Louisville from granting a like privilege to any other person, firm or corporation.

§ 12. This ordinance shall take effect and be in force from and after its passage.

Approved November 3, 1909.

FRANCHISE—PENALTY FOR VIOLATING.

AN ORDINANCE providing a penalty for the violation of any of the terms, conditions or provisions of any franchise granted by the city of Louisville to any public service corporation, firm or individual, and not otherwise provided for in the ordinance granting such franchise.

WHEREAS, a number of public service corporations, individuals and companies have been granted franchises of a public nature to do business in the city of Louisville, and

WHEREAS, there are various terms, conditions and provisions annexed to and made a part of said grants, for the violation of which no penalty has been affixed; therefore,

Be it ordained by the General Council of the city of Louisville:

§ 1. Hereafter it shall be unlawful for any individual, firm

or corporation, owning or exercising any franchise of a public nature under any grant or ordinance of the city of Louisville, to violate any of the terms, conditions or provisions of the ordinance or grant under which such franchise is owned or exercised, or under which such person, firm or corporation claims its right to transact its business in the city of Louisville.

§ 2. Any person, firm or corporation violating any of the provisions of this ordinance, or violating any of the terms, conditions or provisions of any ordinance under which such person, firm or corporation exercises or claims a franchise to do a public service business in the city of Louisville, and for which no penalty is affixed in the ordinance granting same, shall be guilty of a misdemeanor, and on conviction shall be fined not less than ten dollars nor more than one hundred dollars for each offense. Each day any such term, condition or provision is violated shall be deemed a separate offense.

§ 3. This ordinance shall take effect from and after its passage.

Approved November 6, 1909.

FREE PUBLIC LIBRARY.

AN ORDINANCE signifying and declaring the purpose and intent of the city of Louisville to establish and maintain and establishing and undertaking to maintain a Free Public Library under and in accordance with the provisions of an act entitled, "An act providing for the establishment and maintenance of Free Public Libraries in cities of the first class," approved March 21, 1902.

Be it ordained by the General Council of the city of Louisville:

§ 1. That the city of Louisville hereby signifies and declares its purpose and intent to establish and maintain and does hereby establish and undertake to maintain a free public library under and in accordance with the provisions of the act of the General Assembly of the Commonwealth of Kentucky, entitled, "An act providing for the establishment and maintenance of free public libraries in cities of the first class," approved by the Governor March 21, 1902.

§ 2. That this ordinance shall take effect from its passage.
Approved April 12, 1902.

FURNITURE CARS AND OTHER VEHICLES.

AN ORDINANCE regulating stands for furniture cars and other vehicles.

Be it ordained by the General Council of the city of Louisville:

§ 1. That it shall be unlawful for furniture cars, wagons, drays, carts, or other wheeled vehicles to stand waiting for employment upon any of the streets of the city of Louisville, except as hereinafter provided.

§ 2. Furniture cars, or other wheeled vehicles waiting for employment, with the consent of the occupant of any business or dwelling-house or property fronting or binding thereon (except Fourth avenue and streets bounding the Court-house square) are permitted to stand on the north sides of all streets during the months beginning October 1st and ending April 30th; on the south sides of all streets during the months beginning May 1st and ending September 30th; on the east sides of all streets during the morning hours up to 12:30 o'clock, noon; and on the west sides of all streets during the evening after 12:30 o'clock, noon.

§ 3. They shall stand close to the curbstone, and remove from place to place at the stand, or change place, as may best promote the convenient transaction of business by other persons or vehicles; and to facilitate such business any policeman shall, when expedient, give orders as to the vehicles, directing their positions and management.

§ 4. For a failure to comply with the requirements of this ordinance, or any order of a policeman in enforcing the same, the owner or driver shall be fined for each offense not less than five dollars nor more than twenty dollars.

§ 5. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Approved June 28, 1898.

GARBAGE—REMOVAL.

AN ORDINANCE prohibiting the sweeping, throwing, or placing of dirt, trash, garbage, or other waste on the sidewalks, or into the gutters of the public ways of the city of Louisville.

Be it ordained by the General Council of the city of Louisville:

§ 1. That hereafter it shall be unlawful to sweep, throw, or place any dirt, trash, garbage, or waste on the sidewalks, or into the gutters of the public ways of the city of Louisville.

§ 2. All such dirt, garbage, trash, or waste shall be placed in boxes, barrels, or other receptacles, and the same deposited on the curb or sidewalk in front of the premises from which it came before 7 o'clock A. M. of each day, so that it may be removed by the proper employes of the city.

§ 3. Any violation of any of the provisions of this ordinance shall be punished by a fine of not less than five dollars nor more than twenty dollars for each offense.

§ 4. All ordinances in conflict herewith are hereby repealed.

§ 5. This ordinance to take effect from its approval.

Approved October 8, 1895.

GARBAGE—REMOVAL.

AN ORDINANCE to prohibit the throwing or placing of dirt or rubbish or material of any kind in any of the public ways of the city of Louisville.

Be it ordained by the General Council of the city of Louisville:

§ 1. That it shall be unlawful for any person or persons to throw or place any dirt, rubbish, nails, tacks, spikes, wire, broken bits of metal, glass, pottery ware, or any sharp or dangerous rubbish, stone, or material of any kind in any street, alley, or public ways of the city of Louisville, or thereby impede or obstruct the flow of water in any gutter of any street, alley, or public way in the city of Louisville.

§ 2. Any person violating any of the provisions of this ordinance shall be fined not less than five nor more than twenty dollars for each offense.

§ 3. This ordinance shall not prevent the use of streets or alleys in case where buildings are being erected in such manner as now provided by law.

§ 4. This ordinance shall take effect from and after its passage.

Approved October 8, 1895.

GARBAGE—REMOVAL.

AN ORDINANCE regulating the removal of ashes, garbage, trash, rubbish, etc., in the city of Louisville.

Be it ordained by the General Council of the city of Louisville:

§ 1. It shall be unlawful for any owner, tenant, lessee or occupant of any building or place of business within the limits of the district of the city of Louisville, described in section 4 of this ordinance, to throw or lay any ashes, offal from kitchen, garbage, shells, straw, shavings, glass, dirt, old hoops, trash, rubbish, or sweepings of any kind whatever, or allow any noxious and impure liquid to run or flow into or upon any public way or other public place in the city of Louisville; but it shall be the duty of every owner, tenant, lessee, or occupant of any and every building or place of business within the limits of the district described in section 4 of this ordinance, forthwith to provide, or cause to be provided, and at all times thereafter to keep and be kept provided within such building or upon the premises suitable and sufficient boxes, barrels, or tubs for receiving and holding, without leakage, and without being filled within four inches of the top thereof, all the ashes, rubbish, garbage, and liquid substances of whatever kind that may accumulate during thirty-six hours from said building or place of business, or the portion thereof of which such person may be the owner, tenant, lessee, or occupant.

§ 2. That it shall be the duty of every owner, tenant, lessee, or occupant of any and every building and place of business within the limits of the district described in section 4 of this ordinance, to provide a separate receptacle for ashes, rubbish, etc., and another for garbage and liquid substances, the latter receptacle to be made of or lined with some suitable metal; and all ashes, rubbish, etc., shall not be placed or kept in the same vessel with garbage and liquid substances.

§ 3. All boxes, or other receptacles, required under the provisions of sections 1 and 2 of this ordinance, shall be placed,

between the hours of sunrise and 10 o'clock A. M., at such time as may be required or fixed by the person or persons whose duty it shall be to remove the same, on all paved streets running north and south, in the rear of the property of the owner, tenant, lessee, or occupant thereof, if there is a paved alley in the rear of the same, or in front thereof if there is not, on Mondays, Wednesdays, and Fridays; and on all paved streets and alleys running east and west on Tuesdays, Thursdays, and Saturdays. If such boxes, vessels, or receptacles are placed on the sidewalk they shall be placed within one foot of the curbstone thereof, or edge next to the street pavement; and all such boxes, vessels, and other receptacles shall be removed from the sidewalk by the owner, tenant, or occupant of the property within one hour after they shall have been emptied; and the same, although they shall not have been previously emptied, shall not be allowed by the owner, tenant, lessee, or occupant of the property to remain on any street, alley, sidewalk, or other public place after the hour of 10 A. M.

§ 4. That the limits of the district covered in this ordinance shall be as follows: Beginning at a point in the center line of Chestnut street at the center line of Ninth street; thence southwardly with the center line of Ninth street, and Ninth street, extended, to the center line of Brandeis avenue, extended; thence eastwardly with the center line of Brandeis avenue, and Brandeis avenue, extended, to the center line of Flat Lick road; thence in a straight line to a point in the center line of Texas street, extended, where it is intersected by the center line of the first alley south of Forest street, extended; thence with the center line of Texas street, and Texas street extended, to the center line of Goss avenue; thence northeastwardly in a straight line to the intersection of the center line of Baxter avenue, with the center line of Finzer or Park avenues; thence with the center line of Finzer or Park avenues, to the center line of Everett avenue; thence northwestwardly with the center line of Everett avenue, and Everett avenue, extended, to the center line of Baxter avenue; thence with the center line of Baxter avenue to the center line of Chestnut street, extended; thence with the center line of Chestnut street, and Chestnut street, extended, to the point of beginning.

§ 5. Any person who shall willfully turn over or upset any of the vessels or receptacles used for any of the purposes defined in this ordinance, thereby spilling the contents or any portion of them on any street, alley, or other public place, shall, on conviction thereof, be fined as provided for in section 6 of this ordinance.

§ 6. For any violation of any of the provisions of this ordinance by the owner, tenant, lessee, or occupant of any build-

ing or place of business within the district described in section 4 of this ordinance, shall subject the person or persons guilty thereof to a fine of not less than one (\$1.00) dollar, nor more than five (\$5.00) dollars for each offense.

§ 7. That all other ordinances in conflict with this ordinance are hereby repealed.

§ 8. That this ordinance shall take effect from and after its approval.

Approved April 7, 1905.

GAS ARBITRATORS.

AN ORDINANCE providing for compensation for the arbitrators selected to fix the price of gas of the Louisville Gas Company.

Be it ordained by the General Council of the city of Louisville:

§ 1. That the compensation for the services of the arbitrators elected in the years 1903, 1908, and 1913, to fix the price of gas, as provided for in the charter of the Louisville Gas Company, and the amendments thereto, shall, in so far as the liability of the city of Louisville is concerned, be five hundred (\$500) dollars for the arbitrator selected by the city of Louisville; two hundred and fifty (\$250) dollars for the third arbitrator, he being the one selected by the other two, or by the chancellor of the Louisville chancery court; and a sum not exceeding two hundred and fifty (\$250) dollars for expenses, if any, incurred necessarily in the performance of the labors of said arbitration.

§ 2. All ordinances in conflict herewith are hereby repealed.

§ 3. This ordinance shall take effect from and after its publication.

Approved May 2, 1899.

GAS INSPECTOR.

AN ORDINANCE providing for the appointment of a City Gas Inspector, and prescribing his duties and compensation.

Be it ordained by the General Council of the city of Louisville:

§ 1. That the Mayor of the city of Louisville is hereby authorized and empowered to appoint, subject to the approval of the General Council, a competent person as the "City Gas Inspector," who shall own no stock and not be interested, directly or indirectly, in any gas company doing business in the city of Louisville.

§ 2. Before entering into office said City Gas Inspector shall give bond, to be approved by the Mayor and the General Council, in the sum of five thousand dollars for the faithful performance of his duties. He shall have his office in the City Hall, accessible to gas consumers and citizens. He shall receive a salary at the rate of eighteen hundred dollars per annum, payable monthly, in like manner with the salaries of other city officers and employees.

§ 3. It shall be the duty of said inspector to examine into any alleged errors in the gas bills of consumers, private or public, when called upon by the consumer to do so, and to correct the same when erroneous; to examine into the monthly gas bills, if any, rendered against the city of Louisville and to correct the same; to make daily tests of the gas furnished as to candle power and quality; to serve on the company furnishing such gas written notice of any defect or failure in the power or quality of the gas on each day on which said test shall show such defect or failure; to make a certified report of such defect or failure, the duration thereof, and such damages as may have been sustained with a certificate that written notices were served on the company furnishing the gas, to the General Council within thirty days after the beginning of such defect or failure, and from time to time thereafter in the event such defect continues or recurs. It shall be the duty of said inspector to examine into the reports furnished by any such gas company to the General Council and to advise the Mayor if the same are unsatisfactory. Said inspector shall have a general supervision over all the meters of any gas company doing business in the city of Louisville, and shall have the authority and power to do all such acts and have all such access to the property of such company as may be necessary for the faithful discharge of the duties herein imposed upon him; provided, however, that before

said inspector shall correct any bill of a private consumer or of the city, he shall make inquiry of the treasurer of the gas company in reference to any error alleged to be therein, and if satisfied that there is an error he shall give a certificate, over his signature, of the correction of such bill.

§ 4. All ordinances and parts of ordinances in conflict herewith are hereby repealed.

§ 5. This ordinance shall take effect from and after its passage.

Approved April 7, 1908.

GLUE, OIL AND GREASE FACTORIES.

AN ORDINANCE concerning manufactories for soap grease, coal oil, etc., in the city of Louisville.

No establishment for making coal oil, grease, glue, refining or petroleum, or the manufacture of coal oil or soap grease shall be erected within the limits of the city, except under express permission of the General Council; and such permission shall not be granted unless it be applied for in writing, setting forth the nature and objects of the proposed establishment, and signed by a majority of the persons owning property, as well as of those residing on the square on which it is proposed to be erected. If any such establishment be erected and conducted without such permission, and within the district or boundary named in the first section of this ordinance, and so as to cause any unwholesome or offensive matter or odor, the owner or occupant of such establishment shall be fined not less than fifty dollars nor more than one hundred dollars for each day said establishment is continued as aforesaid.

Approved June 18, 1870.

HOUSEHOLD GOODS—REGULATING MOVING OF.

AN ORDINANCE regulating the moving of household goods, furniture, pianos and personal effects of residents of the city of Louisville, whereby their places of residence are changed.

Be it ordained by the General Council of the city of Louisville:

§ 1. That it is made the duty of all persons, firms or corporations, owning or operating any moving van, furniture car, transfer wagon, express wagon, delivery wagon or any other vehicle, who shall haul or move, or cause to be hauled or moved, any article of household goods, furniture, pianos or personal effects of any resident of the city of Louisville, changing the place of his or her residence, to make a report thereof to the Board of Public Safety of the city of Louisville, which report shall be made within ten days thereafter, on blanks furnished by said Board of Safety, and shall contain generally the character of property so moved, the full name of the owner or person in possession or having the custody thereof, and the address from which and to which said hauling or moving was done; the date thereof and the name of the owner and person in charge of such vehicle.

§ 2. It shall be the duty of the Board of Public Safety to furnish the blanks necessary for making such reports and to properly keep said reports on file in the office of said board in a register or by other method, for preserving the same.

§ 3. It shall be unlawful for any person, firm or corporation procuring the removal of any of the property herein described to give to the owner or operator of any vehicle employed to haul such property a fictitious name or to refuse to give the correct name of the owner or party in possession of such property, or to willfully deceive him as to the same.

§ 4. Any person, firm or corporation violating any of the provisions of this ordinance shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than \$5.00 nor more than \$50.00 for each offense.

§ 5. All ordinances, or parts of ordinances, in conflict herewith, are hereby repealed.

§ 6. This ordinance shall take effect from and after its passage, approval and publication.

Approved September 8, 1908.

INSURANCE.

AN ORDINANCE punishing any person, firm, or corporation soliciting, inspecting, or doing business in the city of Louisville for any insurance company not having a licensed office in the city of Louisville.

Be it ordained by the General Council of the city of Louisville:

§ 1. Any person, firm, or corporation, clerk, employe, or agent who shall inspect, solicit, or do any business of any kind whatever in the city of Louisville, for any insurance company not having a licensed office in the city of Louisville, shall be fined in a sum of not exceeding one thousand dollars for each offense.

§ 2. Any one so offending shall at once be arrested and taken before the police court, if same is in session; if not in session, then before said court as soon as same shall be in session; but may be permitted to give bond, as in other cases of misdemeanor.

§ 3. This ordinance shall in no wise apply to fraternal associations.

§ 4. This ordinance shall take effect from its publication.
Approved December 22, 1896.

INTEREST ON WARRANTS.

AN ORDINANCE concerning the payment of the principal and interest of city warrants and notes.

Be it ordained by the General Council of the city of Louisville:

§ 1. That all warrants of the city of Louisville, the issue of any fiscal year, that remain unpaid three months after their date, shall be interest-bearing at the rate of 6 per cent. per annum from the expiration of said period of three months until paid; provided, such warrants shall have been duly presented for payment to the City Treasurer, and payment thereof refused on account of no funds in the treasury.

§ 2. That interest on all outstanding warrants, the issue of any fiscal year, shall be chargeable to and payable out of any sum appropriated for that purpose by the General Council from the fund created by the levy for general purposes of any current fiscal year.

§ 3. That whenever the holder of a city warrant, the issue of any fiscal year, presents a claim for interest thereon to the City Comptroller, said Comptroller shall ascertain the amount of interest thereon from the expiration of three months after the date of its issue, or from the date of the last previous payment of interest thereon, and shall register such claim for interest in a book kept by him for that purpose, and prepare a claim or voucher for the amount of interest due. The City Auditor shall issue to the holder of said voucher his warrant drawn upon the City Treasurer for the amount of said interest. Upon the presentation to the City Treasurer for such original and interest warrants said Treasurer shall pay said interest warrant to the holder thereof, and shall stamp upon said original warrant (if not then also paid), over his official signature, in substance:

"Interest paid to ——— day of ———;" and shall redeliver said original warrant (if not then paid) to the holder who thus presented the same.

§ 4. That from and after the passage and publication of this ordinance the City Auditor shall stamp over his official signature, or have engraved on the face of each and every city warrant to be issued by said Auditor the following words, viz: "This warrant shall not bear interest until the expiration of three months after its date."

§ 5. That all outstanding city warrants, the issue of any fiscal year, shall be hereafter subject to the call of the City Treasurer at any time for payment, either by written or printed notice to the holder or holders thereof, or by three publications in successive issues in the two daily papers which are at the time doing the official advertising of the city, as required by law, and upon the failure or refusal of such holder or holders of such warrant or warrants to present the same for payment on or before the date fixed in such notice or advertisement call by the City Treasurer, interest on said warrant or warrants shall cease from and after the date fixed in such notice or call.

§ 6. That in the month of February of each year the Comptroller shall, by notice in the official newspapers, or by written or printed notice sent to the holder or holders of outstanding interest-bearing warrants, call for all such warrants to be presented to him at his office for the purpose of registering and computing the interest on said warrants to the first day of March following, as provided for in section 7 of this ordinance.

§ 7. That interest on all outstanding city warrants, the issue of any fiscal year, shall be due and payable on March first of each fiscal year at the office of the City Treasurer; provided, however, that this provision shall not apply to the interest due and payable on any warrant or warrants when the Treasurer shall have paid in full such original warrant or warrants to any

holder or holders thereof under the call of the Treasurer, as provided for in section 5 of this ordinance.

§ 8. That all ordinances and resolutions of the General Council in conflict with this ordinance are hereby repealed.

§ 9. That this ordinance shall be in force from and beginning with September 1, 1902.

Approved August 25, 1902.

JUNK DEALERS.

Who Go From House to House.

AN ORDINANCE regulating junk dealers in the city of Louisville.

Be it ordained by the General Council of the city of Louisville:

§ 1. That every person, firm, or corporation who goes from house to house in the city of Louisville offering to buy, or buying, old iron or other metals, rags, old rope, or other junk, shall be deemed junk dealers within the meaning of this ordinance.

§ 2. It shall be unlawful for any person, firm or corporation to carry on the business of junk dealer in the city of Louisville until he or they have executed bond to the city of Louisville, approved by the General Council, in the sum of fifty dollars, conditioned that he or they will faithfully perform and observe all the regulations of this ordinance. Said bond shall be executed in the Sinking Fund office, in the presence of the treasurer and secretary of the Sinking Fund, and shall be transmitted to the General Council for approval, and when approved the Comptroller shall be the custodian of said bond, and shall notify the treasurer and secretary of the Sinking Fund of such approval; and no license shall be issued to any junk dealer until the bond of said junk dealer has been approved by the General Council. After the approval of the bond, and on application of said junk dealer, and of payment of the license therefor, the Commissioners of the Sinking Fund shall furnish to said junk dealer, free of charge, a metal badge, with the following words: "City of Louisville. Sinking Fund. Licensed junk dealer. No. Expires 189...."

Each junk dealer who shall go from house to house buying or offering to buy, old iron or other metals, rags, old rope, or other junk, shall wear said badge upon his person in a conspicuous place in such manner that it may always be seen.

It shall be unlawful for any person to wear, or have in his possession, the badge herein required, unless he be the licensed junk dealer in whose name the license is issued.

No junk dealer's license shall give authority for more than one person to buy or offer to buy under it; nor shall any person to whom it is granted buy or offer to buy by agent or clerk, or in any other way than his own proper person, but each agent or clerk shall procure a separate license.

Each junk dealer while engaged in buying, or offering to buy old iron or other metals, rags, old rope, or other junk, shall carry his license and exhibit the same whenever requested to do so by a license or police officer.

On the expiration of the license of any junk dealer, he shall surrender his badge to the Commissioners of the Sinking Fund.

It shall be unlawful for any person to destroy, deface, or injure said badge in any manner, or change the numbers or dates thereon.

§ 3. No junk dealer or any person engaged in the junk business, shall at any time or under any circumstances, be allowed to purchase goods, wares, merchandise, materials, or things whatsoever from a minor.

§ 4. Every person, firm, or corporation within the meaning of this ordinance, shall keep a register, which shall contain the name of the person or persons from whom the article or articles are purchased, date when received, his or her residence or place of business, and a full description of said article or articles, same to be in plain, legible English handwriting, and shall daily furnish to the chief of police by 11 o'clock A. M., in plain legible English handwriting, a true and correct report of all goods so purchased or otherwise in their possession, describing the goods as accurately as practicable. It shall be the duty of any person, firm, or corporation to allow any captain of police or officer or officers designated by the chief of police or chief of detectives, upon written order, to examine and inspect said register, and if sufficient information can not be gained from an inspection of said register, it shall, upon the request of said officer or officers, be the duty of any person, firm, or corporation, to permit and allow said officer or officers to examine and inspect any and all articles belonging to, or temporarily left in charge of such person, firm, or corporation. For failing to keep said register, or failing to furnish to the chief of police such daily reports, or making an incorrect registry of all goods bought, each person, firm, or corporation shall be fined not less than five dollars, nor more than twenty-five dollars for each and every offense, each day the failure to report is continued to constitute a separate offense.

§ 5. It shall be the duty of the chief of police to furnish blanks for the reports herein provided for.

§ 6. Any person, firm, or corporation who shall neglect, violate, or refuse to comply with either or all of the provisions of this ordinance, shall be fined not less than five dollars, nor more than twenty-five dollars, for each and every offense; each day the failure to comply is to constitute a separate offense.

§ 7. That an ordinance, entitled "An ordinance regulating junk business in the city of Louisville," approved February 20, 1897, and published February 23, 1897, and all other ordinances in conflict herewith are hereby repealed.

§ 8. This ordinance shall take effect from and after its publication.

Approved March 20, 1897.

JUNK MERCHANTS.

Having an Established Place of Business.

AN ORDINANCE regulating junk merchants having an established place of business in the city of Louisville.

Be it ordained by the General Council of the city of Louisville:

§ 1. That every person, firm, or corporation who shall carry on the business of buying or selling old iron and other metals, rags, or old rope, or other junk, at an established place of business in the city of Louisville, shall be deemed junk merchants.

§ 2. It shall be unlawful for any person, firm, or corporation to carry on the business of junk merchant at an established place of business in the city of Louisville without having first executed a bond to the city of Louisville, approved by the General Council, in the sum of one hundred dollars, conditioned that he or they will faithfully perform and observe all the regulations of this ordinance. Said bond shall be executed in the Sinking Fund office, in the presence of the treasurer and secretary of the Sinking Fund, and shall be transmitted to the General Council for approval, and, when approved, the Comptroller shall be the custodian of said bond and shall notify the treasurer and secretary of the Sinking Fund of such approval, and no license shall be issued to any such person, firm, or corporation until such bond has been approved by the General Council.

§ 3. No person, firm, or corporation carrying on the business of junk merchant at an established place of business in

the city of Louisville shall at any time, or under any circumstances, be allowed to buy old iron, or other metals, rags, old rope, or other junk from a minor.

§ 4. Every person, firm, or corporation carrying on the business of junk merchant that an established place of business in the city of Louisville shall keep a register, which shall contain the name of the person or persons from whom any junk is purchased, the date when purchased and received, the residence or place of business of such person or persons, and a full description of such junk so purchased, same to be in plain, legible English handwriting, and shall daily, by 11 o'clock A. M., furnish to the Chief of Police, in plain, legible English handwriting, a true and correct report of all junk so purchased, or otherwise in their possession, describing the junk as accurately as possible. It shall be the duty of every junk merchant to allow any captain of police or officer or officers designated by the chief of police or chief of detectives, upon a written order to examine and inspect said register, and, if sufficient information can not be gained from an inspection of said register, it shall, upon the request of said officer or officers, be the duty of any such junk merchant to permit and allow said officers to examine and inspect all such junk belonging to, or temporarily left in charge of, said junk merchant.

§ 5. It shall be the duty of the chief of police to furnish blanks for the reports herein provided for.

§ 6. Any person, firm or corporation who shall neglect or refuse to comply with, or violate any or all of the provisions of this ordinance, shall be fined not less than five dollars nor more than twenty-five dollars for each offense. Each day such person, firm, or corporation shall neglect or refuse to comply with, or violate any of the provisions of this ordinance, shall constitute a separate offense.

§ 7. All ordinances in conflict herewith are hereby repealed.

§ 8. This ordinance shall take effect from and after its publication.

Approved March 20, 1897.

LICENSES.

AN ORDINANCE providing for certain licenses, the fees therefor to be paid into the Sinking Fund of the city of Louisville.

Be it ordained by the General Council of the city of Louisville:

§ 1. That hereafter the following licenses shall be paid into the Sinking Fund of the city of Louisville for the purposes of the Sinking Fund, for doing the business, following the callings, occupations and professions, or using or holding, or exhibiting the articles hereinafter named in the city of Louisville, in addition to the ad valorem taxes heretofore levied or hereafter to be levied on any species of property in the city of Louisville.

§ 2. Every practicing expert, accountant, public accountant, or public auditor shall pay a license of ten dollars per year. Should any expert accountant, public accountant, or public auditor be associated in a firm, each member of the firm shall pay a separate license.

§ 3. Every advertising agent shall pay a license of twenty-five dollars per year.

§ 4. Every person, firm or corporation conducting a place where lawful exhibitions of athletic contests are given for which there shall be any fee for admission charged, either by the sale of tickets or by any other device, by which money or other thing of value shall be received or paid for admission, shall pay license of twenty-five dollars per year.

The license for each public ball or dance, for which there shall be any fee for admission charged, either by the sale of tickets or by any other device by which money or other thing of value shall be received or paid for such ball or dance, shall be twelve dollars and fifty cents.

The license upon circuses, menageries, wild west, hippodrome, or similar shows, exhibited in or under tents, or at places other than in a licensed theater, shall be as follows:

For each day any circus, menagerie, wild west, hippodrome, or similar show is exhibited in or under a tent or tents, or at a place other than in a regular licensed theater, the license shall be three hundred dollars for the principal show and twenty-five dollars for each side show therewith.

The license for each concert for which there shall be any fee for admission charged either by the sale of tickets or by any other device by which money or thing of value shall be received or paid for such concert shall be five dollars.

The license for each concert-hall shall be twelve dollars and fifty cents per day.

The license for each lecture for which there shall be a fee for admission charged either by the sale of tickets or by any other device by which money or other thing of value shall be received or paid for such lecture shall be five dollars.

The license for each museum, exhibition or performance not in connection with any circus or menagerie shall be fifty dollars per month, or five dollars per day when less than one month's license is taken out.

The license for the exhibition for pay of any painting or statuary, or other work of art, shall be thirty dollars per month. Any person, firm or corporation having paid one or more full month's license and desiring to continue such exhibition for an additional fraction of a month may do so by paying at the rate of two dollars per day.

Every person, firm or corporation who shall conduct scientific, electrical and submarine exhibits, at which an admission fee shall be charged, shall pay a license of \$30 per month. Any person, firm or corporation having paid one or more month's license and desiring to continue said exhibition for an additional fraction of a month, may do so by paying at the rate of \$2 per day.

The license for each theatrical exhibition or performance shall be \$10 per day.

The license for each exhibition of trained animals only for which an entrance fee not exceeding twenty-five cents is charged, shall be \$25 per day.

The license for each exhibition or performance for which a different license is not provided by ordinance shall be \$12.50 per day.

The license for each hall or public building other than a licensed theater, hall, or ballroom wherein entertainments are given or held in the city for pay, or an entrance fee is charged either by the sale of tickets or by any other device by which money or other thing of value shall be received or paid, shall be \$5 per day for each day so used.

The license for each theater, museum, concert hall, lecture hall, public dancehouse, or public ballroom, shall be \$250 per year. Where a yearly license is paid on any theater, hall, garden or other place of public amusement, no special license shall be required for entertainments given therein.

The fact that no admission fee is charged to any place of amusement or exhibition, or that no money is charged for any of the games herein mentioned, shall not excuse the person exhibiting, using or operating same from payment of the license herein required, if any commodity is sold for money in connection with said exhibition, amusement or game, or said exhibition, amusement, or game is used for the purpose of

attracting customers for the purchase of any commodity whatsoever, or if they are used in connection with, or as an adjunct to, any business, occupation or calling followed for profit.

§ 5. Every practicing architect shall pay a license of \$10 per year. Should any practicing architect be associated in a firm, each member of the firm shall pay a separate license.

§ 6. Each practicing attorney or counsellor at law shall pay a license of \$10 per year. Should any practicing attorney or counsellor at law be associated in a firm, each member of the firm shall pay a separate license.

§ 7. Every person who offers at public sale property, real or personal, bonds, stocks or other commodity, to the highest or best bidder, shall be deemed an auctioneer, and shall pay a license as follows:

Each person whose annual sales are over \$250,000 shall be deemed an auctioneer of the first class, and shall pay an annual license of \$100.

Each person whose annual sales are not less than \$150,000 and do not exceed \$250,000, shall be deemed an auctioneer of the second class, and shall pay an annual license of \$75.

Each person whose annual sales are not less than \$50,000 and do not exceed \$150,000, shall be deemed an auctioneer of the third class, and shall pay an annual license of \$50.

Each person whose annual sales do not exceed \$50,000 shall be deemed an auctioneer of the fourth class, and shall pay a license of \$25 per year.

Each and every member of a firm who shall conduct an auction as an auctioneer shall pay a separate license.

§ 8. Each barber shop shall pay a license of five dollars per annum for conducting the business of barbering.

§ 9. Every person, firm or corporation who distributes bills, dodgers, circulars, pamphlets or other printed or advertising matter, as a business, shall pay an annual license of twenty-five dollars.

§ 10. Every person, firm or corporation who posts, tacks, paints or places bills or advertisements in or upon houses, walls, fences or stands erected for the purpose, as a business, shall pay a license of one hundred and twenty-five dollars per year. This one hundred and twenty-five dollars license fee shall entitle the person, firm or corporation so licensed to distribute bills, dodgers, circulars, pamphlets or other printed matter without any additional license therefor.

§ 11. Every person, firm or corporation conducting a public bath-house shall pay a license of ten dollars per year.

§ 12. Every person, firm or corporation maintaining or operating a billiard or pool, or pigeon-hole table, not kept ex-

clusively for family use in the family residence, shall pay a license of twenty-five dollars per year for each table.

§ 13. Every person, firm or corporation operating or conducting a public boarding-house, wherein transient guests are entertained, shall pay a license of ten dollars per year.

§ 14. Every person, firm or corporation maintaining or operating a bowling alley, not kept exclusively for family use in the family residence, shall pay a license of twenty-five dollars per year for each bowling alley.

§ 15. Every person, firm or corporation maintaining or operating a box ball alley, not kept exclusively for family use in the family residence, shall pay a license of fifty dollars per year for each box ball alley.

§ 16. Every place wherein clothing, wearing apparel, bed clothing, household furnishings, linens, wash goods of all kinds and descriptions, or other articles, are received to be laundered, or to be sent elsewhere to be laundered, if such place wherein said articles are received is not a regularly licensed laundry, shall be deemed a branch laundry office, and each person, firm or corporation conducting such a branch laundry office shall pay a license of ten dollars per year.

§ 17. Each person who shall solicit or collect clothing, wearing apparel, bed clothing, household furnishings, linens, wash goods of any kind or description, or other articles to be laundered, unless such person be a regularly licensed laundryman, shall be deemed a laundry solicitor, and shall pay a license of fifty dollars per year.

§ 18. Every person, firm or corporation doing business as a lumber broker shall pay a license of twenty-five dollars per year.

§ 19. Every person, firm or corporation who sells at retail bowie knives, dirks, brass knucks or slung shots, shall pay a license of one thousand dollars per year.

§ 20. Every person, firm or corporation who negotiates the purchase or sale of bonds, stocks, promissory notes or other securities shall be deemed a stock broker or financial agent, and shall pay a license of sixty dollars per year.

§ 21. Every person, firm or corporation engaged in the business of buying, selling or negotiating the purchase or sale of goods, wares and merchandise to merchants or dealers, shall be deemed a merchandise broker, and shall pay an annual license as follows:

Merchandise brokers whose business amounts to more than three hundred thousand dollars per annum shall pay a license of fifty dollars per year.

Merchandise brokers whose business amounts to more than two hundred thousand dollars and does not exceed three hun-

dred thousand dollars per annum shall pay a license of thirty-five dollars per year.

Merchandise brokers whose business does not exceed two hundred thousand dollars per annum shall pay a license of twenty-five dollars per year.

§ 22. Every ticket broker, scalper, person, firm or corporation who buys or sells theatrical, railroad or steamboat tickets, shall pay a license of fifty dollars per year. It shall be unlawful for any person so licensed to buy, sell or exchange any tickets on any street, alley or thoroughfare or at any other place than within the place where said license is permanently located.

§ 23. Every person, firm or corporation who buys or sells leaf tobacco for the public, on commission or for compensation, shall be deemed a tobacco broker, and shall pay a license of thirty-five dollars per year.

§ 24. Every person who slaughters cattle or livestock of any kind shall be deemed a butcher and every person so engaged shall pay a license of twenty-five dollars per year.

§ 25. Every person, firm or corporation who sells at wholesale or retail cigarettes, or cigarette paper, whether the cigarette paper is sold or given away, attached to packages of tobacco, or thrown down, or away, or so placed as to put any party in possession of the same by artifice or trick, shall pay a license of ten dollars per year. Every wholesale or retail dealer or jobber selling or giving away the articles aforesaid shall pay a license of fifty dollars per year.

§ 26. Every practicing chiropodist shall pay a license of ten dollars per year. Should any practicing chiropodist be associated in a firm, each member of the firm shall pay a separate license.

§ 27. Each practicing civil engineer shall pay a license of ten dollars per year. Should any practicing civil engineer be associated in a firm, each member of the firm shall pay a separate license.

§ 28. Every claim agent shall pay a license of twenty-five dollars per year.

§ 29. Every person, firm or corporation operating or conducting cold storage or refrigerator plant, shall pay a license of one hundred dollars per year on each plant operated or conducted.

§ 30. Every person, firm or corporation who operates, conducts or carries on the business of a collecting agency for the collection of claims, and having an established place of business in the city of Louisville, shall pay a license of fifty dollars per year.

§ 31. Every person, firm or corporation engaged in the

business of contracting for public, railroad or bridge work, shall pay a license of one hundred dollars per year.

§ 32. Every person, firm or corporation carrying on the business of general contractor or master builder for private buildings or work shall pay a license of twenty-five dollars per year.

§ 33. For each dancing school or academy the license shall be twenty-five dollars per year.

§ 34. Every person, firm or corporation who buys or sells livestock shall be deemed a dealer in livestock and shall pay a license of forty dollars per year. Said license shall give the privilege to the person or firm only to whom issued, and in no event shall any clerk, employe or agent of said firm or any other person be allowed to buy or sell livestock on said license.

§ 35. Each practicing dentist shall pay a license of ten dollars per year. Should any practicing dentist be associated in a firm, or in the employ of any firm, then each member of said firm and each practicing dentist employed by said person or firm shall pay a separate license.

§ 36. Every person owning, keeping or harboring a dog or bitch shall pay a license on each dog or bitch so owned, kept or harbored of two dollars per year. Upon payment of the said license the Sinking Fund Commissioners shall cause to be delivered to the owner or keeper of each dog or bitch upon which the license is paid a metal tag to be worn by each dog or bitch, with the word "licensed," and number of same, stamped or impressed thereon, of which there shall be kept in the office of the Sinking Fund a record book of the same, giving the name and residence of the owner or keeper of the dog or bitch, and the date of payment and expiration of the license.

§ 37. Every place where food or refreshments of any kind—not including spirituous, vinous or malt liquors—are prepared for casual visitors, and sold for consumption therein, shall be deemed a restaurant or eating house, and every person, firm or corporation conducting or operating any such place shall pay a license as follows:

All restaurants or eating houses wherein the yearly sales amount to the sum of fifty thousand dollars and over, the license shall be one hundred and fifty dollars per year.

All restaurants or eating houses wherein the yearly sales amount to not less than thirty thousand dollars nor more than fifty thousand dollars the license shall be one hundred and twenty-five dollars per year.

All restaurants or eating houses wherein the yearly sales amount to not less than thirty thousand dollars nor more than forty thousand dollars the license shall be one hundred dollars per year.

All restaurants or eating houses wherein the yearly sales amount to not less than twenty thousand dollars nor more than thirty thousand dollars the license shall be seventy-five dollars per year.

All restaurants or eating houses wherein the yearly sales amount to not less than fifteen thousand dollars nor more than twenty thousand dollars the license shall be fifty dollars per year.

All restaurants or eating houses wherein the yearly sales amount to not less than ten thousand dollars nor more than fifteen thousand dollars the license shall be twenty-five dollars per year.

All restaurants or eating houses wherein the yearly sales do not exceed ten thousand dollars the license shall be fifteen dollars per year.

§ 38. Every person, firm or corporation operating a grain elevator shall pay a license of one hundred dollars per year on each elevator.

§ 39. The license for ball or knife-throwing devices or games, and all similar in character not herein specially licensed, shall be thirty dollars per month. Any person, firm or corporation having paid one or more full month's license, and desiring to continue such exhibition for an additional fraction of a month, may do so by paying at the rate of two dollars per day.

§ 40. Every person, firm or corporation operating or conducting a feather renovator shall pay a license of twenty-five dollars per year.

§ 41. Every person, firm or corporation maintaining, operating or conducting a "Flying Dutchman," flying horse arrangement or establishment, shall pay a license of five dollars per day. Said license may be granted for a week at a time, and the location of the "Flying Dutchman," flying horse arrangement or establishment, shall be expressed in the license.

§ 42. Every person, firm or corporation who operates or conducts a fertilizer works shall pay a license for each fertilizer works so conducted or operated of one hundred and twenty-five dollars per year.

§ 43. Hereafter it shall be unlawful for any person, firm or corporation to own, maintain or operate a floating sawmill within the limits of the city of Louisville without having a license so to do. The license for opening, maintaining or operating a floating sawmill, as herein set forth, shall be twenty-five dollars per year.

§ 44. Every person who professes to be a fortune teller or pretends to know of lost or stolen articles, or foretells future events by cards, mesmerism, clairvoyance or any other device for

fee, reward or compensation, shall pay a license of two hundred dollars per year.

§ 45. Every person, firm or corporation who sells at retail fresh meat of any kind whatever, not slaughtered by himself, shall be deemed a retail dealer in fresh meats, and shall pay a license of fifteen dollars for six months or twenty-five dollars per year. It shall be unlawful for any person, firm or corporation to sell at retail fresh meat of any kind except in a market space, market-house or an established place of business.

§ 46. Every person, firm or corporation operating or conducting a tavern, hotel or lodging-house in the city of Louisville shall pay a yearly license as follows:

First class, one having one hundred and fifty rooms or over, one hundred and fifty dollars per year.

Second class, one having one hundred or more rooms, and less than one hundred and fifty rooms, one hundred dollars per year.

Third class, one having fifty or more rooms, and less than one hundred rooms, seventy-five dollars per year.

Fourth class, one having twenty-five rooms or more and less than fifty rooms, thirty-five dollars per year.

Fifth class, one having less than twenty-five rooms, and more than fifteen rooms, twenty-five dollars per year.

Sixth class, one having less than fifteen rooms and more than ten rooms, twenty dollars per year.

Seventh class, one having less than ten rooms, ten dollars per year.

§ 47. Each and every huckster who shall sell or offer for sale any goods, wares or merchandise of any kind shall pay a license of twelve dollars and fifty cents for six months or twenty dollars for one year. Hucksters shall not be allowed to sell at other than the market spaces or places and during market hours only.

§ 48. Every insurance adjuster, whether employed by an insurance company or companies, or by the insured, shall pay a license of one hundred and twenty-five dollars per year.

§ 49. Each person, firm or corporation engaged in the business for pay of advertising, assisting or aiding the insured in adjusting as to their rights under their policy or policies, or as to how the insured should settle with the insurance company or companies, shall be considered insurance advisers, and shall pay a license of one hundred and twenty-five dollars per year.

§ 50. Every person who solicits life, fire, casualty, indemnity, industrial or any other kind of insurance, shall pay a license of ten dollars per year.

§ 51. Every life, fire, accident, casualty and indemnity insurance company doing business in this city shall, on or before

the first day of February of each year, pay to the Sinking Fund the sum of two dollars and fifty cents on every one hundred dollars of premiums received on business done in the city during the previous year. The computation for the license shall be made upon the premiums of the said company, firm or corporation for the year immediately preceding the time the license is payable, a sworn statement of which, made at the home office, or principal office in this country, of the company by one of the general officers, shall be furnished the Treasurer and Secretary of the Sinking Fund on the application for the license. The license during the first year's business of any such company shall be at the rate of fifty dollars per year, and any person proposing to begin the insurance business in the city after the first day of January of any year may be granted a license until the next succeeding 31st day of December after said license is dated, upon the payment of such proportion of the sum of fifty dollars as the time said license has to run bears to one year, after which the license shall be as hereinbefore set forth. The company, as well as the agent of the foreign company, or chief officer of the home company, shall be responsible for acting without license and subject to penalty therefor.

§ 52. Every person, firm or corporation carrying on the business of securing situations or employment of any kind for persons for fee, compensation or reward of any kind shall be deemed intelligence office, employment agent, or information bureau keepers, and shall pay a license of twenty-five dollars per year.

§ 53. On or before the first day of April in each year every person, firm or corporation engaged in the business of selling debentures, coupons or certificates or in making collections on those already sold, as an investment, savings or redemption business, concern or company, shall pay a license of one hundred dollars per year: Provided, the gross receipts of such person, firm or corporation do not exceed the sum of ten thousand dollars per annum, and such person, firm or corporation shall pay for said purpose a license of one-half ($\frac{1}{2}$) of one (1) per cent. on all gross receipts of such person, firm or corporation in excess of ten thousand dollars per annum in addition to the said license of one hundred dollars per year.

§ 54. Each person who goes from place to place within the city of Louisville for the purpose of buying old iron or other metals, rags, old rope, or other junk, shall pay a license of ten dollars per year, and shall be required to wear conspicuously displayed a badge to be furnished by the Sinking Fund.

§ 55. Every person, firm or corporation who shall carry on the business of buying or selling rags, old rope or other junk, at

an established place of business in the city of Louisville, shall pay a license of ten dollars per year.

§ 56. Every person, firm or corporation conducting or operating a laundry in the city of Louisville shall pay a license of fifty dollars per year for each laundry.

§ 57. Every place where livestock of any kind is kept to hire or let, or kept, or fed, or boarded for others, shall be deemed a livery stable and shall pay an annual license as follows:

First class, having fifty stalls or more, forty dollars per year.

Second class, having less than fifty stalls, twenty-five dollars per year.

§ 58. Each practicing massagist in the city of Louisville shall pay a license of ten dollars per year. Should any of the foregoing persons be associated in a firm, each member of the firm shall pay a separate license.

§ 59. Every person, firm or corporation who gathers, compiles and furnishes to retail or wholesale merchants or to persons, firms or corporations other than wholesale or retail merchants and manufacturers, information as to the credit standing of purchasers, customers and patrons of such merchants, persons, firms or corporations, or information concerning any other person, firm or corporation, and having an established place of business in the city of Louisville, shall pay a license of one hundred dollars per year.

§ 60. Every person, firm or corporation operating or conducting the business of furnishing messengers or messenger service, shall pay a license of twenty-five dollars per year.

§ 61. Every person practicing or advertising or representing themselves as practicing the occupation or profession of a midwife in the city of Louisville, shall pay a license of ten dollars per year.

§ 62. Every person, firm or corporation selling or vending milk from house to house by wagon or cart, or in any other vehicle in the city of Louisville shall pay a license of five dollars per year for each wagon, cart or other vehicle used in carrying on said business.

§ 63. Every person, firm or corporation engaged in the business of lending or advancing money (or negotiating for the loan or advance of money) on chattel mortgages, shall pay a license of one thousand dollars per year.

§ 64. Every person, firm or corporation engaged in the business of lending or advancing money (or negotiating for the loan or advance of money) on assignment of salaries or wages, due or to become due, or discounting salaries or wages, due or to become due, shall pay a license of one thousand dollars per year.

§ 65. Each and every person practicing the art or profession of osteopathy in the city of Louisville shall pay a license of ten dollars per year. Should any of the foregoing persons be associated in a firm, each member of the firm shall pay a separate license.

§ 66. Every person, firm or corporation whose business is to take or receive by way of pledge, pawn or exchange any goods, wares or merchandise or any personal property whatever, as security for the payment of money lent thereon, other than banks or trust companies, shall be deemed a pawn broker and shall pay a license of three hundred and fifty dollars per year.

§ 67. Each and every peddler who shall sell or offer for sale any goods, wares or merchandise of any kind in the city of Louisville, shall pay a license of five dollars for one month, twelve dollars and fifty cents for six months and twenty dollars for one year. No peddler's license shall give authority for more than one person to peddle under it, nor shall any person to whom a license is granted sell by agent or clerk, or in any other way than by himself in person; and each agent or clerk shall procure a separate license. Every peddler while engaged in peddling shall carry his or her license and exhibit the same whenever requested to do so by a license inspector or police officer. Every peddler while engaged in peddling shall wear a badge upon his person in a conspicuous place and in such a manner that it may always be seen. Said badge shall be of metal and shall be furnished by the Commissioners of the Sinking Fund free of charge. It shall be unlawful for any person to destroy, deface or injure said badge in any manner or change the number or date thereon, or for any person to wear said badge unless it be the licensed peddler in whose name the badge and license were issued.

§ 68. Every person who shall carry on the business of agent to present or obtain pensions from the United States government shall be deemed a pension agent and shall pay a license of ten dollars per year.

§ 69. Every person who makes for sale photographs, ambrotypes, daguerreotypes or pictures of any kind by the action of light, shall be deemed a photographer, and shall pay a license of ten dollars per year. Should any of the foregoing persons be associated in a firm, each member of the firm shall pay a separate license.

§ 70. Each practicing physician, surgeon and oculist in the city of Louisville shall pay a license of ten dollars per year. Should any of the foregoing persons be associated in a firm, each member of the firm shall pay a separate license.

§ 71. Every person, firm or corporation who sells playing cards at retail shall pay a license of ten dollars per year.

§ 72. Every person, firm or corporation who sells pistols at retail shall pay a license of one hundred dollars per year.

§ 73. Every person, firm or corporation who conducts or operates a pork-house or other meat-packing establishment shall pay for each pork-house or meat-packing establishment conducted or operated a license of two hundred dollars per year.

§ 74. Every person engaged in the business of a private detective, or what is known as a plain clothes man, shall pay a license of twenty-five dollars per year, and be subject to the rules and regulations of the Board of Public Safety.

§ 75. Every person engaged in the business of a private policeman shall pay a license of five dollars per year, and be subject to the rules and regulations of the Board of Public Safety.

§ 76. Every person, firm or corporation who shall sell or offer for sale, barter or exchange, in carload lot or any less quantity, of fruit, vegetables or farm products, butter, eggs, game or poultry contained in any railroad car or in any railroad freight depot or warehouse, or any steamboat, flatboat, wharfboat or boat landing within the city of Louisville, shall pay a license of one hundred dollars per year: Provided, however, the provisions of this section shall not apply to any bona fide farmer, gardener, fruit or vine-grower engaged in selling the products of his farm, garden, orchard or vineyard from his wagon or stand in the market, nor to any commission merchant having a storehouse and established place of business in the city.

§ 77. Every person engaged in the business of promoting financial undertakings, aiding or assisting in the organization and capitalizing of corporations shall be deemed a promoter, and shall pay a license of one hundred and fifty dollars per year.

§ 78. Every person, firm or corporation who conducts or operates a public stockyard shall pay for each stockyard conducted or operated a license of five hundred dollars per year.

§ 79. Every person, firm or corporation conducting or operating a public warehouse, or houses, storage house or storage houses in the city of Louisville, shall pay a license as follows:

For each warehouse or storage house devoted exclusively to the business of storage and where more than one commodity is stored shall pay a license of one hundred and fifty dollars per year. For each additional warehouse or storage house so conducted or operated the license shall be fifty dollars per year.

Every person, firm or corporation conducting or operating a warehouse or storage house, used exclusively for storing one commodity, shall pay a license of one hundred dollars per year for the first warehouse or storage house and fifty dollars per year for each additional warehouse or storage house so conducted or operated.

§ 80. Every person, firm or corporation conducting or car-

rying on the business of a public weigher of cotton seed products in the city of Louisville shall pay a license of twenty-five dollars per year. It shall be unlawful for any person, firm or corporation to carry on the business of public weigher of cotton seed products in the city of Louisville until he or they have executed a bond to the city of Louisville, approved by the General Council, in the sum of two thousand dollars, conditioned that he or they will faithfully perform and observe all regulations of this ordinance, and for the benefit of such person, persons or corporations as are, or may be, aggrieved or injured by the failure of said observances. Said bond shall be executed in the Sinking Fund Office, in the presence of the Treasurer and Secretary of the Sinking Fund and shall be transmitted to the General Council for approval, and when approved the Comptroller shall be the custodian of said bond, and shall notify the Treasurer and Secretary of the Sinking Fund of such approval. The licensee shall take an oath to faithfully perform the duties of public weigher of cotton seed products according to law and the custom of the business. It shall be the duty of said public weigher, when requested by the buyer of any cotton seed oil or other cotton seed products, residing or located within the city of Louisville, to weigh and accurately determine the weight of any cotton seed oil or other cotton seed products, whether contained in tanks, cars, barrels, bags or packages, and to give to such buyer a certificate duly sworn to, showing the gross, tare and net weights of such cotton seed oil or other cotton seed products, and he shall also, when requested, draw or take samples of or from such oil and other cotton seed products weighed by him, as and in the manner required by the rules and regulations of such exchanges or associations, and send or deliver such samples, when drawn or taken, to the buyer and seller of such oil or other products. Each public weigher shall keep in a suitable book a correct register or a statement of all cotton seed products weighed, showing the gross, tare and net weights and date when weighed. For his services in weighing, or weighing and sampling, such cotton seed oil or other cotton seed products, the said public weigher shall be entitled to charge a fee of not exceeding six dollars for each tank car, five cents for each barrel and two cents for each bag or package, one-half of which fee to be paid by the buyer and the other half by the seller; and said public weigher shall receive no other compensation for his services.

§ 81. Each person, firm or corporation who sells or offers for sale or who negotiates the purchase or sale of real estate for compensation, or who negotiates loans upon real estate security for compensation, or who rents or offers for rent real estate or houses, or collects rent on the same for compensation, shall be

deemed a real estate agent, and shall pay a license of twenty-five dollars per year. No real estate license shall give authority for more than one person to sell, offer for sale, negotiate a sale of real estate or negotiate loans upon real estate security for compensation or rent real estate or houses for compensation other than the person to whom said license is issued, and when said license is issued to a corporation the person conducting the department referred to shall be named in said license and no other person shall operate thereunder.

§ 82. Every person, firm or corporation who operates or conducts a rendering or tanking house shall pay for each rendering or tanking house conducted or operated a license of two hundred and twenty-five dollars per year.

§ 83. Every scavenger shall pay a license of twenty-five dollars per year.

§ 84. Every person, firm or corporation who shall carry on the business of buying or selling second-hand household goods, wares, merchandise or materials, second-hand clothing or wearing apparel, shall pay a license of fifteen dollars per year.

§ 85. Every person who solicits the sale of, or sells or contracts for the sale of sewing machines in the city of Louisville, at any place other than a regular sewing machine store or established business, shall be deemed a sewing machine agent or solicitor, and shall pay a license of ten dollars per year. Every person, firm or corporation operating or conducting a sewing machine business, establishment, or agency in the city of Louisville shall furnish to the Treasurer and Secretary of the Sinking Fund a certified statement, whenever called upon so to do by said Treasurer and Secretary, containing the names and addresses of each and every person soliciting or selling sewing machines for them other than at said established place of business.

§ 86. Every person, firm or corporation maintaining or operating a shooting gallery, not kept exclusively for family use at the family residence, shall pay a license of sixty dollars per year: Provided, however, that a license for a shooting gallery may be issued for three months at a time at the rate of sixty dollars per year.

§ 87. Every person, firm or corporation conducting or operating a skating rink or park, or roller skating rink or park, shall pay a license of fifty dollars per year.

§ 88. Each individual, firm or corporation engaged in the business of sprinkling the streets shall pay a license of 3 per cent. of the gross earnings per year.

§ 89. Each practicing surveyor in the city of Louisville shall pay a license of ten dollars per year. Should any of the foregoing persons be associated in a firm, each member of said firm shall pay a separate license.

§ 90. Every person, firm or corporation conducting or operating a swimming pool shall pay a license of ten dollars per year.

§ 91. Every person, firm or corporation who shall keep in any house or other building a pay station or telephone service in receiving or sending messages over the lines of any telephone company to and from points located within the limits of the city of Louisville, and for which service a charge shall be made to the sender or receiver, or for which any money shall be received by such keeper for or on his own account, or that of any other person or corporation, shall pay into the treasury of the Commissioners of the Sinking Fund a license of ten dollars per year. Each message sent or received to and from points within the limits of the city of Louisville, for which a charge shall be made, or any money shall be received, shall constitute a separate offense.

§ 92. Every person engaged in the business of inspecting leaf tobacco, by whomsoever employed, whether upon percentage or salary, shall be deemed a leaf tobacco inspector, and pay a license of thirty-five dollars per year.

§ 93. Every towel supply company, and every person, firm or corporation who furnishes laundered towels to patrons, shall pay a license of fifty dollars per year.

§ 94. Every person, firm or corporation who buys and sells any merchantable commodity without having a storehouse or warehouse and storing the same in the city of Louisville shall be deemed a trader and shall pay a license of twenty dollars per year.

§ 95. Every person, firm or corporation carrying on or conducting a trading stamp business, and each branch thereof where a trading stamp business is conducted at a separate location, shall pay a license of one thousand dollars per year.

§ 96. Every vehicle run or used in the city of Louisville shall be subject to the following licenses:

For each and every wagon, cart, dray, omnibus or other vehicle not especially designated herein, drawn by a single animal, the license shall be three dollars per year; drawn by two animals, six dollars per year; drawn by three animals, ten dollars per year; drawn by four animals, fifteen dollars per year; drawn by five animals, twenty dollars per year; drawn by six animals, twenty-five dollars per year.

For each and every hearse the license shall be six dollars per year.

For each and every hack, coupe, coach or like vehicle the license shall be six dollars per year.

For each and every buggy, gig, phaeton, pony cart, sulky or like vehicle the license shall be three dollars per year.

For each and every family carriage drawn by one animal, the license shall be three dollars per year; drawn by two animals, the license shall be five dollars per year.

For each and every automobile, autocar, locomobile or other similar vehicle propelled by the use of electricity, gas, gasoline or steam, the license shall be five dollars per year.

There shall be provided by the Sinking Fund, without cost to the licensee, metal plates, containing in raised figures the number of the license of each class and the year issued, together with the date of expiration. Said metal plates shall be placed and kept conspicuously in view on every vehicle mentioned in this ordinance, so that the same can be easily read from the sidewalk. Such numbers and letters upon said plates shall be in plain, distinct and legible figures and letters, each plate to be not less than one, two or three inches in width, and placed on each vehicle in the following manner:

On drays and carts the numbers shall be cast or painted on metallic plates and placed on the outer side of the right shaft, three inches in front of the bed or body of the dray or cart.

On wagons the numbers shall be cast or painted on metallic plates, on the hind axle, or where a body is used on said wagon said number shall be placed on the right side thereof.

On automobiles, autocars, locomobiles and other similar vehicles, the number shall be cast or painted on metallic plates and placed upon the rear of said vehicles in a conspicuous place.

On private carriages, barouches, buggies and all other private vehicles of like kind, the number shall be cast or painted on neat metallic plates and placed upon said vehicles upon the spring bar or rear end of said vehicles.

Painting or covering over the plate, or placing the plates upon any other vehicle than the one for which the same was issued, shall be punishable by a fine of not less than five nor more than fifteen dollars.

It shall be the duty of the owner of each licensed vehicle on or before the date on which said license shall expire, to return to the Sinking Fund Commissioners the number plates used upon such vehicle or vehicles the preceding year, and the Sinking Fund Commissioners shall, when the license is paid, furnish a number plate for the current year free of charge. But if the old number plate shall be lost or defaced, the Sinking Fund Commissioners shall charge for each new number plate furnished by it the sum of twenty-five cents, in addition to the sum above mentioned for license; and the owner or owners of any vehicle used or run in the city of Louisville shall not be permitted to use any other number plate than that furnished by the Sinking Fund. Every keeper, owner, proprietor or agent of any livery or boarding stable, and the owner or owners of all

vehicles shall, whenever called upon so to do, state on oath to the Treasurer and Secretary of the Sinking Fund how many vehicles of every description are owned or used or kept by him or them, and the Treasurer and Secretary of the Sinking Fund may examine every such person on oath touching the number of vehicles owned, used or kept by him or them during the year next preceding the date of making such statement, and also the number owned, used or kept by him or them at the time of making such statement.

All vehicle licenses hereafter issued shall be made to expire on the first day of May of each year, and any person or persons who commence to use or run a vehicle in the city of Louisville after the passage and publication of this ordinance shall be charged proportionately for the year ending the first day of May.

If any vehicle shall be run or used within said city without being licensed so to be run, the owner, agent or driver shall for each day such vehicle is run without license be fined not less than five nor more than ten dollars.

§ 97. Each practicing veterinary dentist shall pay a license of ten dollars per year. Should any of the foregoing persons be associated in a firm, each member of the firm shall pay a separate license.

§ 98. Each practicing veterinary surgeon shall pay a license of ten dollars per year. Should any of the foregoing persons be associated in a firm, each member of the firm shall pay a separate license.

§ 99. Each person, firm or corporation who keeps or operates a public garage in which automobiles, or similar machines, are driven by gasoline, steam or electricity, are kept in storage, or for sale, or rent, shall pay a license of one hundred dollars per year.

§ 100. Every individual, firm or corporation who intends to commence after the first day of September of any year the business of selling any goods, wares or merchandise, except by sample, shall first obtain a license therefor and pay in advance for the same, as follows, viz:

If said business is commenced after the first day of September, and before the second of January, said license fee shall be two hundred and fifty dollars.

If said business is commenced at any time after the first day of January and before the first day of May, the license fee shall be one hundred dollars.

If said business is commenced at any time between the 30th day of April and the first day of August, said license fee shall be fifty dollars.

§ 5. Each and every individual, firm or corporation coming Each license issued under this section shall entitle the licensee to conduct or carry on said business until the first day of the next succeeding September.

Each agent or employe who conducts or manages said business or assists in the conducting or managing said business before a license has been obtained therefor, shall be guilty of a violation of this ordinance, and shall be liable to the penalty hereinafter provided.

§ 101. In all cases where the amount of license to be paid by any person, firm or corporation is based upon or regulated by the amount of sales made or business done, such person, firm or corporation shall render a sworn statement to the Treasurer and Secretary of the Sinking Fund of the total amount of sales made or business done by them respectively during the preceding year, which statement shall be considered in determining the amount for which such license shall be issued.

If said applicant has not been conducting said business during the preceding year, then the Treasurer and Secretary of the Sinking Fund shall, from the oath of the applicant or other evidence, ascertain the grade in which said applicant shall be licensed; and said applicant shall have the right within ten days to appeal in writing to the Commissioners of the Sinking Fund from the action of the Treasurer and Secretary, and the Commissioners shall then have power to determine in which grade the applicant shall be placed.

§ 102. All licenses shall be paid for in advance in lawful money of the United States; and it shall be unlawful for any person, firm or corporation to carry on the business, follow the calling, occupation or profession, or to use, or hold, or exhibit the articles herein named in the city of Louisville without having first paid the license herein required for the same.

§ 103. The agent or agents of non-resident proprietors shall be civilly responsible for the license tax, and criminally responsible for carrying on the business in a like manner as if they were proprietors.

§ 104. The fact that any person, firm or corporation representing himself or itself as engaged in any business, calling, profession or occupation for the transaction of which a license is required, or that such person exhibited a sign or advertisement indicating such business, calling, profession or occupation, shall be conclusive evidence of the liability of such person, firm or corporation to pay for a license.

§ 105. Any unexpired license, except those for retail liquor licenses, may be transferred from one person, firm or corporation to another, by a surrender of the original license to the Treasurer and Secretary of the Sinking Fund, and an indorse-

ment made thereon, made in his presence and in the presence of each other, transferring the license from the holder thereof to the person, firm or corporation purchasing the same, to whom the license shall be re-issued upon the payment of five (5) per cent. of the original amount of the license: Provided, however, that when the original license has been lost or destroyed, the person to whom the original license was issued shall make affidavit that said original license has been lost or destroyed and cannot be produced, and shall transfer the same by indorsement upon said affidavit, as above required, which shall be filed with the Treasurer and Secretary.

§ 106. Any person, firm or corporation violating any of the provisions of this ordinance, where a different fine has not been provided, shall be fined not less than five dollars nor more than one hundred dollars for each offense. Each day the violation is continued shall constitute a separate offense.

§ 107. All ordinances in conflict herewith, and all ordinances heretofore enacted imposing a license fee for doing any business or following any calling, occupation or profession, or using, or holding, or exhibiting any article embraced herein, are repealed; provided that the validity of licenses heretofore issued and penalties incurred under said ordinances shall in no wise be affected by such appeal.

§ 108. This ordinance shall take effect from and after its publication.

Approved September 17, 1908.

LICENSE OF MANUFACTURERS AND VENDERS OF ELECTRICAL POWER, LIGHT AND HEAT.

AN ORDINANCE providing for license of persons or corporations engaged in the business of manufacturing and vending electrical power or lighting or heat in the city of Louisville.

Be it ordained by the General Council of the city of Louisville:

§ 1. That each individual, firm or corporation carrying on the business of manufacturing and selling electricity without having a franchise therefor from the city of Louisville shall pay an annual license into the Sinking Fund of the city of Louisville, the amount of said payment to be one dollar per "Kilo-

watts" up to and including two hundred (200) "Kilo-watts," and twenty-five (25) cents for each addition "Kilo-watts" of the manufacturing capacity of the machine or machines so used, the same to be determined by the manufacturer's stamp thereon; and each individual, firm or corporation selling steam heat from such plant shall pay into the Sinking Fund of the city of Louisville an additional annual license of twenty-five per cent. (25 per cent.) of the amount of the tax above required. The license tax required by this section shall be in addition to the *ad valorem* assessment.

§ 2. The application for said license shall be made to and the same issued by the Commissioners of the Sinking Fund of the city of Louisville, and shall not run for a longer period than one year. Each license issued thereunder shall be made to expire on the 30th day of April next after its date. Each individual, firm or corporation required by the provisions of this ordinance to procure a license, shall apply for the same on or before the May 1, 1906, and said license shall run for one year from said date.

§ 3. Any individual, firm or corporation proposing to commence business after the 1st of May of any year, may be granted a license until the next succeeding 1st day of May thereafter upon the payment of such proportion of said license fee required as aforesaid, as the time said license has to run bears to one year.

§ 4. Whenever any such individual, firm or corporation desires to transmit or convey electricity or heat, or both, through, across or along any designated street, alley or other public way in the city of Louisville, such individual, firm or corporation, before applying for the license hereinbefore mentioned, shall first apply to the Board of Public Works of the city of Louisville for a permit to so transmit or convey electricity, or heat, or both, through, across or along such designated highway, and said Board of Public Works may, in its discretion, grant such permit upon the condition that the wires, pipes and other appliances to transmit or convey such electricity and heat shall be placed under ground under the supervision and in accordance with the plans and specifications furnished by said Board, and without any expense whatever to the city, and that the surface of such street, alley or other public way shall be restored at the cost of the applicant to its original condition; and said permit shall be upon the condition that the applicant shall indemnify and save harmless the city of Louisville from any damage to any person or property arising out of the construction, maintenance or operation of the plant, wires, pipes or appliances of said applicant, and that he will defend all suits filed and pay all judgments against the city for such damages. Such per-

mit shall be exhibited to the Commissioners of the Sinking Fund in the city of Louisville at the time the license is applied for and before the same can be issued.

§ 5. Each and every individual, firm or corporation, coming within the provisions of Section 1 of this ordinance shall, within ninety (90) days after the passage of this ordinance, provide and use the necessary and proper machinery and appliances to prevent the emission of soot or dense smoke from any chimney or smokestack of the plant or buildings used in the operation of, or in connection with the manufacture and distribution of heat or electricity; and each individual, firm or corporation applying for a permit from the Board of Public Works or a license from the Commissioners of the Sinking Fund of the city of Louisville, shall be deemed to have consented to the provisions of this section and the enforcement thereof as hereinafter provided.

§ 6. Whenever any individual, firm or corporation to whom a license has been issued under the foregoing provisions of this ordinance desires to transmit or convey electricity or heat, or both, through, across or along any street, alley or other public way, for which no permit has been issued, such individual, firm or corporation may apply to the Board of Public Works for such permit, which said Board may grant upon the same terms and conditions as required for permits under Section 4 of this ordinance.

§ 7. In addition to the provisions herein contained all the provisions and conditions of any general law or ordinance now in force, or which may hereafter be enacted, directing, authorizing or regulating the placing and maintaining, either existing or future Electric Light or Power wires, or any other wires of high or low tension, under ground, whether said law or ordinance applies to the entire city or to only a part or parts thereof, or to those operating under a franchise or otherwise, shall be and are hereby made a part of this ordinance.

§ 8. Any individual, firm or corporation who violates any of the provisions of this ordinance shall be fined not less than ten nor more than one hundred dollars for each offense, and each day such individual, firm or corporation carries on said business without having first obtained said license or without the necessary machinery and appliances required in Section 5 of this ordinance shall be deemed a separate offense.

§ 9. This ordinance shall take effect from and after its passage and publication.

Approved June 26, 1906.

NOTE.—The Court of Appeals passed upon the validity of this ordinance in the case of Hilliard vs. Fetter Lighting & Heating Company, &c., as follows:

"That Municipal authorities can not grant a franchise or privilege for a use intended to be permanent except in the manner pointed out in Sec. 164 of the Constitution, and this section can not be evaded or its purposes nullified by making the grant for an indefinite period or for less than a term of years or by any other scheme or device."—Ky. Law Rep., Vol. 31, page 1330.

LICENSES FOR RETAILING LIQUORS.

AN ORDINANCE imposing a license for retailing liquor and regulating the same, and designating the purpose for which the tax is to be applied.

Be it ordained by the General Council of the city of Louisville:

§ 1. Every individual, firm or corporation who sells liquor by retail in the city of Louisville shall pay in advance into the Sinking Fund of the city of Louisville for sinking fund purposes, an annual license fee of five hundred dollars, to be applied by the Commissioners of the Sinking Fund of the city of Louisville as follows, namely:

The first three hundred and twenty-five thousand dollars of the sums annually collected from said license tax shall be for the use of and credited pro rata to the sinking funds required to provide for the payment of the principal and interest of the following bonds issued under ordinances of the city of Louisville, namely:

Those issued under an ordinance approved June 25, 1897, and known as the second issue of refunding bonds; those issued under an ordinance approved March 25, 1900, and known as the third issue of refunding bonds; those issued under an ordinance approved February 2, 1901, and known as the fourth, fifth and sixth issues of refunding bonds; those issued under an ordinance approved August 8, 1902, and known as the seventh issue of refunding bonds; those issued under an ordinance approved March 6, 1903, and known as the eighth and ninth issues of refunding bonds; those issued under an ordinance approved October 17, 1900, and known as the sewer and park bonds; those issued under an ordinance approved October 2, 1906, and known as the sewer bonds, and the issue known as the South Louisville bonds assumed by the city of Louisville under an ordinance approved August 11, 1898.

After applying said sum of three hundred and twenty-five thousand dollars aforesaid, the remainder of the sums so col-

lected upon said licenses shall be for the use of and applied by the Commissioners of the Sinking Fund of the city of Louisville to general sinking fund purposes.

§ 2. All liquor licenses issued hereunder shall expire the first Monday of the next succeeding August. Persons proposing to begin retailing liquor after the first Monday in August of any year may be granted a license until the next succeeding first Monday in August upon the payment of such proportion of the sum of five hundred dollars as the time said license has to run bears to one year.

§ 3. A license to retail liquor may be issued to any individual, firm or corporation engaged in the business of a druggist or apothecary, but no druggist or apothecary shall sell or keep for sale any liquor without first having obtained the license required in this ordinance, except as hereinafter provided.

Any druggist or apothecary may without such license sell unmixed alcohol, or may sell admixtures of wine, alcoholic, spirituous or brewed liquors in prepared medicines, and may sell liquors upon the written prescription of a regular practicing physician; but whenever any druggist or apothecary so sells upon the prescription of a practicing physician he must require a separate written prescription for each sale of liquor so made. The written prescriptions referred to herein shall be kept on a separate file and subject to examination at any time during business hours by any representative of the Sinking Fund or License Board. But it shall be unlawful for any druggist or apothecary, by giving away any liquor, or by any other subterfuge or device, to evade the provisions of this ordinance.

§ 4. Any individual, firm or corporation who violates any provision of this ordinance shall be fined not less than fifty nor more than one hundred dollars. Each sale of liquor without the license herein required, and each act in violation of any other provision of this ordinance, shall be considered a separate offense and punished accordingly.

§ 5. This ordinance shall not affect the validity of any license heretofore issued under existing ordinances.

§ 6. All ordinances in conflict herewith are hereby repealed.

§ 7. This ordinance shall take effect from and after its publication.

Approved December 18, 1908.

LIVE STOCK.**Regulating and Driving of through, Certain Streets.****(See Food.)**

AN ORDINANCE regulating the driving of live stock through the streets of the city of Louisville.

Be it ordained by the General Council of the city of Louisville:

§ 1. That hereafter it shall be unlawful to drive cattle, horses, mules, sheep, hogs, or other live stock loose through the public highways of the city of Louisville, except as hereinafter provided:

It shall be lawful to drive such stock through and along Main street, and all streets north of Market street, including the river front, except Washington between Floyd and Clay; and through and along Campbell street and all streets east thereof; and along and through Jacob street from Campbell to Shelby street; and along Shelby street and all streets east thereof; and along and through Oak street and all streets south thereof; and along and through Eighteenth street from Oak street to Dumesnil street; and along Dumesnil street and all streets south thereof; and along Twenty-sixth street and all streets west thereof, at all hours of the day or night.

It shall be lawful to drive such stock through and along Thirteenth street at all hours of the day and night. It shall be lawful to drive such stock along and through Market street between 10 P. M. and 6 A. M.

Nothing herein contained shall be construed to prevent the leading of live stock in such manner as to retain complete control of same through any of the streets at any time.

§ 2. Any person or persons violating the provisions of this ordinance shall be fined not less than five dollars nor more than one hundred dollars.

§ 3. All ordinances in conflict herewith are hereby repealed.

§ 4. This ordinance is to take effect on and after its publication.

Approved December 18, 1896.

LIVE STOCK.

Prohibiting the Driving of on East Broadway.

AN ORDINANCE to prohibit the driving of live stock on East Broadway, from Cherokee Park to the entrance to Cave Hill Cemetery.

Be it ordained by the General Council of the city of Louisville:

§ 1. That hereafter it shall be unlawful to drive cattle, horses, mules, sheep, hogs, or other live stock loose through or along East Broadway, between Cherokee Park and the entrance to Cave Hill Cemetery.

§ 2. That any person who shall violate this ordinance shall be subject to a fine of not less than five dollars nor more than one hundred dollars for each offense.

§ 3. That all ordinances and parts of ordinances in conflict herewith, be and they are hereby repealed.

§ 4. That this ordinance shall take effect from its passage.
Approved June 10, 1901.

LOITERING.

AN ORDINANCE making it unlawful to loiter, defining the offense of "Loitering," and prescribing a penalty therefor.

Be it ordained by the General Council of the city of Louisville:

§ 1. It shall be unlawful for any person or persons, without visible means of support, or who cannot give a satisfactory account of himself, herself, or themselves, to loaf, congregate, or loiter upon, along, in or through the public streets, thoroughfares, or highways of the city of Louisville; or for such person or persons to sleep, lie, loaf or trespass in or about any premises, building, or other structure in the city of Louisville, without first having obtained the consent of the owner or controller of said premises, structure, or building; or for such person or persons to sleep or lie in or upon any public thoroughfare, highway, park, boulevard, or wharf of the city of Louisville; or for such person or persons to beg or solicit alms in the streets or the highways of the city of Louisville; or for such person or persons to habitually consort with bawds, thieves, malefactors, or other disreputable or dangerous characters in the city of Louisville.

§ 2. Any person violating this ordinance shall be guilty of the offense of loitering, and shall be liable to arrest therefor; and for each offense shall be punished by a fine of not exceeding fifty dollars, or he shall be compelled to give bond in the sum of not less than one hundred dollars nor more than one thousand dollars, conditioned upon his or her good behavior, and keeping the peace for not exceeding one year; and in default of such bond, if the same be required, the defendant shall be imprisoned in the workhouse, and there confined during the period said bond was to cover, or until the same shall be executed as required; or the defendant may be both so fined and required to execute a bond to be of good behavior as aforesaid, in the discretion of the court.

§ 3. All ordinances, or parts of ordinances, in conflict herewith are hereby repealed.

§ 4. This ordinance shall take effect from and after its passage and publication.

Approved September 23, 1907.

MARKET.

Second Street.

AN ORDINANCE establishing public market on west side of Second street, between Market and Jefferson, and on both sides of Jefferson from Second to Brook street, and on the south side of Jefferson from Brook to Floyd street.

Be it ordained by the General Council of the city of Louisville:

§ 1. That with the consent of the occupants of the abutting property, all of the space on the west side of Second street, from Market to Jefferson streets, and on both sides of Jefferson street, from Second street to Brook street, and on the south side of Jefferson street, from Brook street to Floyd street, be used as a public market place, to be known as "The Second-street Market."

§ 2. That hucksters and other venders of fruits, vegetables, and other products may use three feet on the sidewalk nearest the curb in said market space for the purpose of vending their fruits, vegetables, and other products, and shall be required to keep that space opposite them on the inner side of the sidewalk, and the gutters on the outer side of the curb, clean and free of decayed fruits and vegetables, and all kinds of filth, and shall

not obstruct said sidewalk in any manner between the said space so allotted for said vending and the inner part of said sidewalk.

§ 3. That gardeners, fruit raisers, and other persons bringing fruits, vegetables, and other products to said market for sale, may keep their vehicles on the side of said streets near the curb next to the said public market, and shall not occupy more than fifteen feet of the street nearest the curb, nor keep any wagon or wagons standing on said space allotted to them at any time except from 9 o'clock P. M. to 10 o'clock A. M.; *provided*, that on Saturdays they may remain all day, and no wagon or other vehicle coming into said space for the sale of fruits, vegetables, or other products, shall stand in said space with horses or other beasts attached to them; but the owner, driver, or other person in charge of each vehicle shall immediately, upon entering said space, detach the horse or beast pulling the same therefrom, back the rear part of such vehicle against the curb, and elevate the tongue or shafts; and at night shall keep a red light on said tongue or shafts.

§ 4. Any person violating any provision of this ordinance shall be fined not less than five dollars nor more than twenty dollars for each offense, and the additional sum of ten dollars for each six hours he or she shall continue any obstruction in or upon said streets or sidewalks in violation of the foregoing provisions of this ordinance.

§ 5. This ordinance shall take effect from and after its passage.

Approved February 17, 1894.

MARKET.

AN ORDINANCE establishing and regulating a "Public Market Place" in the city of Louisville.

Be it ordained by the General Council of the city of Louisville:

§ 1. That with the consent of the occupants of the abutting property on the east side of Floyd street, bounded on the north by Main street and on the south by Green street, on the north side of Jefferson street, bounded on the west by Floyd street, and on the east by Hancock street, may be used as a public market place, to be known as "The Public Market Place."

§ 2. The farmers, gardeners, raisers of fruit, vegetables and other products, may use three feet of the sidewalk nearest the curb in said market space for the purpose of vending their

fruits, vegetables and other products, and shall be required to keep the gutters clean and free from decayed fruits and vegetables and all kinds of filth, and shall not obstruct said sidewalks in any manner between the said space so allotted for said vending and the inner part of said sidewalk.

§ 3. The gardeners, fruit raisers and farmers bringing fruits, vegetables, and other products to said market for sale, with the consent of the occupant of the abutting property, may keep their vehicles on the side of the street nearest the curb next to said public market space, for the purpose of vending their products, and shall not occupy more than twelve feet of the street nearest to the curb, nor keep any wagon standing on said space allotted to them at any time except from 6 o'clock P. M. to 10 o'clock A. M., and no wagon or other vehicle coming into said space for the sale of fruits, vegetables or other products shall stand in said space with the horses or other beasts attached thereto; but the owner, driver, or other person in charge of such vehicle shall immediately, upon entering such space, detach the horse or beast pulling the same therefrom, back the rear part of such vehicle against the curb, and elevate the shaft or tongue with a lantern displayed on same at night.

§ 4. It shall be unlawful for any person to occupy any of said space in said "Public Market Place" except actual and known farmers, gardeners, and fruit raisers, who shall be the actual producers, each from his or her farm or garden, of the products exposed for sale.

§ 5. Any person violating any of the provisions of this ordinance shall be fined not less than five dollars, nor more than twenty dollars for each offense, and the additional sum of ten dollars for each six hours he or she shall continue any obstruction in or upon said street or sidewalk in violation of this ordinance.

§ 6. All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

§ 7. This ordinance shall take effect from and after its passage.

Approved July 10, 1905.

MARRIAGES.

AN ORDINANCE concerning the report of marriages in the city of Louisville.

Be it ordained by the General Council of the city of Louisville:

§ 1. That it shall be the duty of every clergyman, magistrate, or other person who shall be authorized to perform any marriage ceremony within the city of Louisville, to report each marriage solemnized by him to the Health Officer for the use of the Board of Public Safety, within three days thereafter, giving the full name, age, color, occupation, birth-place, county and State, and legal residence of each person married, as far as he knows, or is able to ascertain such facts.

§ 2. Any person violating any of the provisions of this ordinance shall be fined not less than five dollars nor more than twenty dollars for each offense.

§ 3. This ordinance shall take effect from and after its passage.

Approved April 19, 1898.

MAYOR.**Providing Assistant Secretary.**

AN ORDINANCE creating the office of assistant secretary of the Mayor, fixing the compensation of such office, and abolishing the office of stenographer and typewriter for the Mayor's office.

Be it ordained by the General Council of the city of Louisville:

§ 1. That the office of assistant secretary of the Mayor be and the same is hereby created, and the compensation of such officer shall be eighty-five (\$85) dollars per month, payable as the salaries of other city officers are now paid. He shall be appointed by the Mayor and hold his office at the pleasure of the Mayor.

§ 2. It shall be the duty of such assistant secretary to do all stenographic work and typewriting in the Mayor's office and to perform such other duties as the Mayor or the Mayor's secretary require.

§ 3. That an ordinance entitled "An ordinance creating the office of stenographer and typewriter for the Mayor's office and fixing the salary for the same," approved November 26, 1897, be and the same is hereby repealed, and the office of stenographer and typewriter for the Mayor's office is hereby abolished.

§ 4. That this ordinance shall take effect from its passage. Approved February 6, 1902.

MILK.

AN ORDINANCE to regulate the production and sale of milk in and for the city of Louisville.

Be it ordained by the General Council of the city of Louisville:

§ 1. No person shall,

(1) in the city of Louisville produce milk for sale, or

(2) hold or offer milk for sale, or sell milk, or

(3) bring or send milk into the city of Louisville for sale, unless or until the Health Officer has issued to him a written permit so to do; nor shall any person produce for sale, have in his possession for sale or expose for sale in the city of Louisville any milk after any such permit shall have been revoked.

§ 2. Every person owning or having charge of one or more cows, the milk from which is to be offered for sale or sold in the city of Louisville, shall make application to the Health Officer on a blank form to be furnished by the Health Officer for a permit to offer for sale or sell said milk, which application shall be substantially as follows:

(Form.)

"Application No. Date Name of applicant (or applicants, if a firm or partnership)

.....
 and streets
 rectly for any person, firm, corporation or partnership whose

In applying for this permit are you acting directly or indirectly a corporation, firm, partnership, or association.

Place or places of business in Louisville where milk is to be offered for sale or sold (excepting sales by retail from wagon to consumers) No. street, between

Residence and postoffice address of applicant (or applicants)

Corporate name—if applicant be a corporation.....
 Name of person upon whom process may be served, if applicant
 permit to sell milk in the city of Louisville has been revoked
 within six months of the date of this application?

Country Platform.....

City Platform.....

Shipments via.....R. R. (or Boat)

Time of departure of trains carrying shipments of milk:

Sundays ... { Mornings
 { Evenings

Week Days. { Mornings
 { Evenings

Average number of cans shipped daily.....

Average number of gallons shipped daily.....

Or if milk is carried from dairy or farm to city by
 WAGON, give marks on wagons sufficient for identification

Location of applicant's herd or herds:

City or town.....

County

State

Other direction for reaching.....

COWS.

Total number of cows.....Breed.....

Are there, so far as you know, any cows diseased or unfit for
 dairy purposes in the herd?.....

If so, give number of diseased or unfit cows and nature of said
 disease or unfitness.....

Are said diseased or unfit cows permitted to eat or drink from a
 common trough with the other cows?.....

Is any of the milk or cream obtained from said diseased
 cows mixed with the milk or cream to be offered for sale in the
 city of Louisville?.....

Have all the cows in the herd under question been tested with
 tuberculin?

Date

By whom made?.....

Number of cows reacting.....

What was done with the reacting cows?.....

Number of acres in farm.....
 Size of pasture.....
 How often are the cows curried or brushed?.....
 Are udders of cows cleaned?.....How?.....

STABLE.

Size of barn in which cows are stabled.....ft. long.....ft.
 wide.....ft high.
 Number and size of windows in stable.....
 How is stable ventilated?.....
 Kind of floor.....
 Is cow barn whitewashed inside?.....
 How often?.....

FEEDS.

State all kinds of feedstuffs used in feeding dairy cows.....

 Are any of the dairy cows owned or controlled by you, or by the
 firm or corporation which you represent, fed in whole or in part
 on wet malt, or on the slops, mash or refuse of any distillery,
 brewery or vinegar factory or any other kind of fermented slop?

MANURE.

How often is manure removed from stable?.....
 How far away from cow stable and milk room is it piled?....

 How often is said pile removed to field?.....

MILKING.

Do the milkers wash and dry their hands just before milking?

 Is the milking done with dry hands?.....
 Is the milking done with wet hands?.....
 Is any of the milk stored in the barn or stable where the cows
 are kept?.....
 How soon after being drawn from the cow is it removed from
 the barn or stable?.....

MILK ROOM.

Is there a separate milk room or milk house?.....
 How far is said milk room or milk house from stable?.....
 Are the utensils, including every pail, can, bottle or other piece
 of apparatus that comes in contact with the milk, thoroughly
 cleaned with boiling water every day?.....
 How is the milk cooled?.....

WATER.

Source of water used by cows.....
 Source of water used in cooling milk.....
 Source of water used in cleaning utensils.....
 Is water from any other source ever used in the dairy?.....
 Is there a boiler properly fixed and provided with an ample
 supply of water, which is not used for household purposes.....
 What months of the year is place supplied with ice?.....
 Do you buy or ship milk obtained from any other person?.....
 Are there any cases of sickness in or near the dairy or farm
 where the milk sold by you is produced?.....
 Is any person who assists in the care of the cows owned or con-
 trolled by you or by the firm or corporation you represent, or in
 the milking of said cows, or in the handling of milk or cream
 from said cows, suffering from, or has any such person within
 twenty days been exposed to, typhoid fever, diphtheria, scarlet
 fever, erysipelas, measles, smallpox or any other dangerous con-
 tagious or infectious disease?.....
 Nature and location of such case.....
 Have you read the laws and ordinances regulating the sale of
 milk in Kentucky and the city of Louisville?.....
 Signature of applicant.....

Date.....

In case such applicant buys for the purpose of selling in
 Louisville or ships to Louisville, milk obtained from any other
 person, he shall file with his application and as a part of it one
 or more written statements on blanks furnished by the Health
 Office, giving the name and location of all persons from whom
 he plans to obtain milk for shipment, which statements shall be
 substantially as follows:

(Form.)

“With Application No.... (This to be filled in by Health
 Officer.)

Applicant's signature.....
 Applicant's address.....

Said applicant expects to obtain for shipment, subject to the laws and ordinances in force in the city of Louisville, a part of his supply of milk (approximately.....gallons daily) from.....(Name)(Address).....who holds Health Department Permit No.....which expires....., and no permit shall be issued by the Health Officer to said applicant unless every person from whom said applicant plans to obtain milk for the aforesaid purpose has had issued to him a permit to sell milk in the city of Louisville which is still in force on the date of said application, and every permit shall become invalid if the holder of said permit offers for sale or sells milk which is not obtained from a person holding a Health Department permit, which has been granted and is legally in force.

Every other person desiring to sell milk for consumption in the city of Louisville shall make application therefor to the Health Officer on a blank form, to be furnished by the Health Officer, which application shall be substantially as follows:

(Form.)

"Application No..... Date.....
Name of applicant (or of applicants, if a firm or partnership).....
Residence and postoffice address of applicant (or applicants).....
Corporation name, if applicant be a corporation.....
Name of person upon whom process may be served if applicant be a corporation, firm, partnership or association.....
Place or places of business in the city of Louisville.....
No.....street, between.....
and.....streets.

In applying for this permit are you acting directly or indirectly for any person, firm, or corporation or partnership whose permit to sell milk in the city of Louisville has been revoked within six months of the date of this application?.....

Signature of applicant....."

As a part of said application to sell milk, there shall accompany it, and be filed with it, one or more written statements of the applicant, containing the name and address of the person or persons from whom all the milk to be offered for sale or sold by aforesaid applicants is to be obtained, the number of the permit or permits under which the milk for sale is to be produced, and the date or dates of expiration of such permit or permits.

Such information shall be written out on blanks furnished by the Health Officer and shall be substantially as follows:

(Form.)

"With application No. (To be filled by Health Officer),
 I., applicant for a permit to sell
 milk in the city of Louisville, desire to obtain, subject to the
 laws and ordinances in force in the city of Louisville, the whole,
 a part, or my supply (approximatelygallons daily)
 from Address....., who
 holds Health Department Permit No., which expires....
 (date)..... and no permit shall be issued by the
 Health Officer to said applicant unless every person from whom
 said applicant plans to obtain milk for the aforesaid purpose
 has had issued to him a permit to sell milk in the city of Louis-
 ville which is still in force on the date of said application, and
 every permit shall become invalid if the holder of said permit of-
 fers for sale or sells milk which is not obtained from a person
 holding a Health Department permit which has been granted
 and is legally in force.

§ 3. As soon as practicable after the receipt of the applica-
 tion for any such permit, said Health Officer shall make or
 cause to be made, an examination of the premises and equip-
 ment, and of the cattle, which it is intended to use for or in
 connection with the producing, holding, offering for sale, or sell-
 ing of such milk, and if they be found to conform with the
 provisions of this ordinance and all other lawful requirements,
 said Health Officer shall, without cost to the applicant, issue
 the permit applied for:

Provided, that permits to sell or distribute in or to
 bring or send milk into said city shall be issued on
 condition that in all matters pertaining to the production,
 handling, shipping and selling of milk, the holder of the per-
 mit will be governed by the laws and regulations in force in
 the city of Louisville.

And, provided further, that no person shall send or bring
 into the city of Louisville for sale for human consumption any
 milk that cannot lawfully be sold for human consumption ac-
 cording to the laws of the State of Kentucky.

And, provided further, that pending action by the Health
 Officer upon aforesaid application for permit, said Health Of-
 ficer may, if he be satisfied from written affidavit of applicant
 and from previous inspections that said applicant's source of
 milk supply conforms in all respects to this ordinance, issue to
 said applicant a temporary permit pending the examination re-
 quired by this ordinance, such temporary permit, however, not
 to be valid for more than four months, and in no event shall
 such permit be valid after the completion of the examination
 required to be made by this ordinance.

§ 4. Whenever any person, producing milk for sale in the city of Louisville, or selling or exposing for sale, any milk in the city of Louisville, plans to change in whole or in part the source of his milk supply from that specified in his application, such person shall file an amended application with the Health Officer conforming with all the requirements of Section Two of this ordinance.

§ 5. The furnishing of the statements required by this ordinance shall not of itself entitle any person, firm or corporation to sell milk in the city of Louisville, but the Health Officer may demand other and further evidence, and be guided by other and further evidence, in granting any permit. The granting of the permits herein referred to shall not be held to dispense with any other lawful requirement, condition or license fee.

§ 6. The Health Officer shall refuse to grant a permit to sell milk in the city of Louisville in any of the following cases:

1. When any applicant does not meet the requirements imposed by Sections Two and Three of this ordinance.

2. When any applicant for a permit to sell milk or amended application to sell milk contains a false statement, willfully made.

3. When any part of the milk sought to be sold by the applicant cannot lawfully be sold; or when any part of the milk sought to be sold is obtained, kept, stored, or handled in a manner contrary to that prescribed by this ordinance; or when the animals from which any part of said milk is obtained are fed, kept, milked or handled in a manner contrary to that prescribed by this ordinance; or when any part of said milk is obtained from a dairy or dairy farm, conducted or maintained in a manner contrary to that prescribed by this ordinance, whether the keeping, storing, or handling of such milk, or the feeding, keeping, milking, or handling of such cows takes place in the city of Louisville or elsewhere, or whether such dairy or dairy farm is conducted or maintained in the city of Louisville or elsewhere.

Whenever the person seeking to sell milk in the city of Louisville has been duly convicted of two separate offenses relating to the sale of milk, whether such conviction takes place in the State of Kentucky or elsewhere, or under this ordinance or otherwise.

§ 7. No fee shall be charged by the Health Officer for issuing the permits herein referred to, or for furnishing the blank forms herein specified, or for performing any other act or duty required or permitted by this ordinance.

§ 8. Every person to whom such a permit shall be granted, whether he be a producer, distributor, retailer, or handler, shall

keep the same continuously and conspicuously posted in his place of business.

§ 9. All permits shall expire one year from date of issual; excepting temporary permits mentioned in Section Three.

REVOCATION OF PERMITS.

§ 10. The Police Court of the city of Louisville shall revoke permits for the sale of milk in the city of Louisville in any of the following cases:

1. Whenever any application or amended application, which has been used in obtaining such permit, contains a false statement, willfully made.

2. When the defendant has sold, or had in his possession for sale, any milk which cannot lawfully be sold; or when he has sold any milk, or had in his possession for sale any milk, which has been obtained, kept, stored or handled in a manner contrary to that prescribed by this ordinance, or when any part of the milk sold, or in his possession for sale, is obtained from a dairy or dairy farm conducted or maintained in a manner contrary to that prescribed in this ordinance, whether the keeping, storing or handling of such milk, or the feeding, keeping, milking or handling of such cows takes place in the city of Louisville, or elsewhere, or whether such dairy or dairy farm is conducted or maintained in the city of Louisville or elsewhere.

3. When the defendant has been duly convicted of two separate offenses relating to the sale of milk, whether such conviction takes place in the State of Kentucky or elsewhere, or under this ordinance or otherwise.

The revocation of a permit for the sale of milk shall *ipso facto* forfeit all license fees for the unexpired term for which such license fees were paid.

§ 11. No permit for the sale of milk shall be revoked until the party proceeded against shall be summoned by a notice in writing, issued by the Clerk of the Police Court, or his deputy, at the instance of any party complaining, which notice shall specify briefly the ground upon which said revocation is sought, and shall be served in the manner required by the Civil Code of Practice for the service of a summons, provided that such notice may also be served upon the person designated in the application mentioned in Section Two of this ordinance, as the person upon whom process may be served, and provided also that said notice shall require the defendant to appear on the third day after the day of service of such notice, unless such third day be a Sunday or legal holiday, in which event the defendant shall appear on the next regular week day that is not a legal holiday.

§ 12. No person whose permit shall have been revoked shall thereafter directly or indirectly through another person, obtain a permit within six months from the time of such revocation.

MILK.

§ 13. The term "Milk" as used in this ordinance shall be held to include skimmed milk, cream, buttermilk, ice cream, curds and whey.

§ 14. No person shall in the city of Louisville exchange or deliver or have in his custody or possession with intent to sell, exchange or deliver, any milk, knowing that such milk was sold, exchanged or delivered or brought or sent into said city, without proper permit so to do, or after the revocation thereof.

§ 15. All milk from sick or diseased cows, or from cows fed on refuse or slops from distilleries, breweries, vinegar factories or any other slop, mash or refuse which has been or is in a state of fermentation, and all milk containing any poisonous or deleterious ingredient, and all milk kept or handled in violation of this ordinance, shall, upon discovery thereof, be immediately seized by or under the direction of the Health Officer or his assistants, or by the City Chemist or Bacteriologist, or the sanitary inspectors of the Health Department, or by any other person or persons properly designated and authorized by the Health Officer, and it shall be the duty of any police officer at or near the place of such seizure to assist the Health Officer or his assistants to make such seizure when called upon to do so. At the time of such seizure, or as soon thereafter as it can be done, the officer or person making such seizure shall deliver to the person in charge of such milk (or if no person be found in charge of same, shall post in a conspicuous place near or at the place of seizure) a written notice warning all persons interested in the milk so seized to appear before the Acting Police Judge of the city of Louisville at a time and place to be stated in such notice (which time shall not be less than one hour nor more than twenty-four hours from the time of seizure) to show cause, if they can, why such milk shall not be declared confiscated and forfeited and ordered to be destroyed. Upon such hearing said Police Judge shall declare forfeited and confiscated and order destroyed all milk which is the product of sick or diseased cows, or of cows fed on refuse or slops from distilleries, breweries, vinegar factories, or any other slop, mash or refuse which has been or is in a state of fermentation, and all milk containing any poisonous or deleterious ingredient, and all milk kept or handled in violation of this ordinance. If, at the time of such forfeiture, no person appear to resist the forfeiture, the cause of forfeiture shall be deemed confessed and shall

be so ordered together with the destruction of such milk. Milk which cannot be confiscated, forfeited and destroyed under authority of this section shall, upon demand of the person from whose custody it was taken, be delivered up to such person.

§ 16. No "Pasteurized" milk shall be held, offered for sale or sold in the city of Louisville unless it bears on each bottle or other receptacle or the label of each bottle or other receptacle the word "Pasteurized," and in addition figures stating plainly and truthfully the temperature to which the contents have been heated, the length of time for which it has been subjected to such temperature, and the day on which said Pasteurization took place.

§ 17. The presence of any milk which is forbidden by law or ordinance to be sold in the city of Louisville or to be brought or sent into the city of Louisville in or about the place of business of any person dealing in milk, or in or about any vehicle used by any such person for the delivery of any such article, shall be *prima facie* evidence of an intent on the part of such person to sell the same and of the fact that he is holding or offering the same for sale.

EQUIPMENT AND CLEANLINESS.

§ 18. No barn or other building shall be used for stabling cows for dairy purposes which is not well constructed, lighted and ventilated, or which is not provided with a suitable floor and properly drained, or which contains less than 500 cubic feet or clear space for each cow.

The ties or stanchions shall be so constructed that each cow shall have a space at least $3\frac{1}{2}$ feet in width.

§ 19. Every person using premises for keeping cows for dairy purposes shall keep the entire premises clean and the buildings well varnished, painted or whitewashed, and no accumulation of manure or filth shall be allowed within the dairy stable, but shall be removed at least twice daily to a point not less than thirty feet distant from the stable and milk house.

§ 20. Milkers and those engaged in the handling of milk shall maintain strict cleanliness of their hands and persons while milking or handling the milk. Milkers shall not milk with wet hands.

§ 21. All cans, vessels and receptacles used in the handling of milk, as well as all vehicles, refrigerators, compartments and stores, or other places where milk is kept, stored or handled, shall be kept and maintained scrupulously clean, and shall be kept free from the presence or vicinity of any article of any kind likely to contaminate or injuriously affect the quality or taste of said milk. All cans, vessels and receptacles in which

milk is kept shall be sterilized with boiling water or live steam each time they are used, and all cans, measures and dippers, and all other utensils and appliances used in handling milk shall be scalded or sterilized daily, and all bottles in which milk is distributed shall be washed clean and sterilized each time they are used. All rooms or spaces in which milk is handled or subjected to any process shall be scrupulously cleaned at least once each day, shall be amply lighted by daylight, drained in a sanitary manner and properly ventilated.

§ 22. Any person using any premises for keeping cows for dairy purposes shall provide and use a sufficient number of receptacles of non-absorbent material for the reception, storage and delivery of milk, and shall keep them clean and wholesome at all times, and at milking time shall remove each receptacle, as soon as filled, from the stable or room or place in which the cows are kept or milked. Milk shall not be stored or kept within any room used for stabling cows or other domestic animals, or in any room used as a bedroom or living room.

Shipper's cans shall not be used for the storage of milk by the dealer or consumer, but shall be returned to the shipper or owner sterilized and clean within twenty-four hours after they shall have been received. Cans which are rusty inside or badly dented or mashed cans or containers shall not be used for the transportation or storage of milk.

§ 23. Every person keeping cows for the production of milk for sale shall cause the same to be kept clean and wholesome at all times and shall cause the teats, and if necessary, the udders, to be carefully cleaned by brushing, washing or wiping before milking, and shall cause each of such cows to be properly fed and watered.

§ 24. No person shall keep, or have in his possession, in any stable, lot or pasture, or other place where dairy animals are fed or kept, nor within 100 feet thereof, any slops or refuse of any distillery, brewery or vinegar factory, or any similar slops, mash or refuse.

The presence of hogs or beef cattle at or near such stables shall not be construed as a valid reason for the hauling to or the presence in or near said stables of distillery swill or other materials specified in this section, and hogs and other animals are to be permitted only in places where their presence interferes in no way with the provisions of this ordinance.

All wagons or other conveyance used for hauling or conveying distillery swill or other materials specified in this section, shall have painted plainly and legibly on both sides thereof in letters not less than four inches high in a position where it may be easily read by the passer-by, the name of the owner of said wagon or conveyance.

It shall be the duty of any police officer of the city of Louisville, having knowledge of a violation of this section, to promptly report the same in writing to the Health Officer.

§ 25. That no person shall sell, exchange, deliver, rent, borrow or buy any cow, to be used for the production of milk to be sold in the city of Louisville, knowing that such cow is unfit for that purpose by reason of disease or injury.

TRANSPORTATION AND DELIVERY.

§ 26. Whenever any milk sold or offered for sale in the city of Louisville is conveyed to said city, in whole or in part, by a common carrier, the cans containing such milk shall, before delivery to such common carrier, be securely sealed by leaden seals and wires (such as are commonly used in sealing milk cans) in such manner as to prevent the removal of the contents of said can without breaking said seal.

Whenever it is necessary for an inspector to remove a sample of milk from such a sealed can in transit, the can shall be resealed by the inspector with a leaden seal and so stamped as to show the consignee that the can was last closed by some agent of the Health Office.

And no milk which has been transported in whole or in part by a common carrier shall be sold or offered for sale in the city of Louisville unless the seal on the receptacle in which the milk is contained is unbroken when received from such common carrier.

§ 27. All wagons or other vehicles used for transportation or peddling milk shall be provided with a suitable top or cover for protecting the milk from the heat of the sun, and shall have painted plainly and legibly on both sides thereof in letters at least three (3) inches high, in a position where it may be easily read by the passerby, the name of the owner of the wagon, or of the milk which it contains, the location of his place of business and the number of the wagon. It shall be the duty of any police officer of the city of Louisville to watch for violations of this section and promptly report the same in writing to the Health Officer. Persons using more than one wagon for carrying milk shall number such wagons consecutively, said numbers being placed on the wagons as above provided.

§ 28. No person shall use any wagon or other vehicle for the transportation or the delivery of milk which wagon or vehicle is not clean and free from any material liable to contaminate such milk.

§ 29. No person shall hold for sale or sell milk in a bottle bearing the name of any other person, firm, company or corpor-

ation which sells milk, unless said person be the duly authorized agent of said person, firm, company or corporation.

§ 30. In the city of Louisville no person shall furnish milk tickets to any purchaser of milk other than tickets in coupon or book form, nor use again tickets that have been previously used.

§ 31. No person shall, in the city of Louisville, fill or partly fill with milk any receptacle which is to be delivered to the purchaser of such milk unless such receptacle is in a clean and sanitary condition, and if previously used, has since last used been properly cleaned and sterilized in a duly licensed dairy or on a duly licensed dairy farm.

INFECTIOUS DISEASES.

§ 32. Every person holding a permit to produce, hold or offer for sale, or to sell milk in the city of Louisville, shall notify the Health Officer of said city in writing of the occurrence of typhoid fever, diphtheria, scarlet fever, tuberculosis or of any other contagious or infectious disease among persons working in connection with the business authorized by such permit, or in the family of such person, or among persons dwelling on the premises where such business is conducted, and of the occurrence of any contagious or infectious disease or of any disease of the udder among the cattle on the premises on which the milk sold by him is produced, such notice to be forwarded to said Health Officer immediately after the person holding such permit becomes aware of the existence of any such disease as aforesaid.

No person suffering from or liable to communicate to other persons, typhoid fever, scarlet fever, diphtheria, tuberculosis or any other contagious or infectious disease, shall work in or about the producing, holding or offering for sale, or the selling of milk, intended for consumption in the city of Louisville. No person having authority and power to prevent shall knowingly permit any person aforesaid so to do.

§ 33. Under no circumstances shall any milk dealer or the employe of any milk dealer take from any quarantined house any can or bottle, or enter such a house for any purpose whatever without written permission from the Health Officer.

DUTIES OF HEALTH OFFICER AND ASSISTANTS.

§ 34. It shall be the duty of the Health Officer of the city of Louisville, and of such agents or employes in the service of the Health Department as he may designate for that purpose, to enforce the provisions of this ordinance and of all the regulations made by the authority thereof.

At the end of each month the Health Officer shall compile a list of the names and addresses of all persons who have unsuccessfully applied to sell milk in the city of Louisville, or whose permit to sell milk in the city of Louisville has been revoked during that month.

At the end of each month the Chemist and Bacteriologist shall make a complete report to the Health Officer of all the examinations of milk which have been made during the month, giving names and locations of the venders from whom samples were obtained and a full report as to the examination of each sample.

The reports provided for in this section shall be matters of public record, and the Health Officer shall furnish a copy to any person who may request such copy.

INSPECTION.

§ 35. Any officer, agent or employe, representing the Health Department or police officer of the city of Louisville, shall, at all times, have right of entry for inspection to any dairy farm or stable where milk is produced which is to be sold within the city of Louisville; and to any building, premises or place of any kind where milk is stored or kept for sale, and to any wagon, railroad car or other vehicle of any kind used for the conveyance of milk to be sold in the city of Louisville; and such officer, agent or employe shall at all times have the right to inspect all cattle, apparatus, appliances, utensils and other equipment used in connection with the production, handling, transportation or distribution of milk to be sold or offered for sale in the city of Louisville; and such officer, agent or employe shall have the right at any time to take samples of milk therefrom, without compensation, for the purpose of examination or analysis, such samples not to exceed one quart from each can or receptacle. In cases where milk is sold by bottle, the bottle, with its contents, may be taken as a sample for examination.

No person shall interfere with said Health Officer, or with any agent or employe, in the performance of his official duty, when such person has reasonable ground for recognizing said Health Officer, or agent, or employe in his official capacity, nor shall any person hinder, prevent or refuse to permit any inspection or examination aforesaid.

§ 36. Every person, holding, or offering for sale in the city of Louisville, milk, shall at all times keep posted conspicuously in his place of business, on forms furnished by and the property of the Health Department, in plain letters, not less than one inch high, so that the same may be easily read by purchasers of such milk, the name or names of the person or persons

from whom the milk offered for sale has been obtained; excepting that when such names would exceed six (6) in number, the names and corresponding addresses may be typewritten on sheets of paper or in a book and attached to said permit, and a copy of this typewritten list, corrected to the first day of each month, shall be sent to the Health Office by the fifteenth (15) day of the same month.

§ 37. The word "person," as used in this ordinance, shall be construed to include any firm, association or corporation, and the officers, agents or employes of either. The singular shall be construed to include the plural, and the plural the singular, number.

§ 38. The words "Health Officer," as used in this ordinance, shall be construed to mean the chief officer, having active charge of the duties of the Health Department, or Board of Health of the city of Louisville, by whatever name or title said functions may be performed.

§ 39. The word "sell," as used in this ordinance, shall be construed to include any process or device whereby the possession of milk is transferred, for money or other thing of value, from one person to another, whether by wholesale or retail, and whether in boarding houses, restaurants, hotels, eating houses, lunch rooms, lunch counters, cafes, saloons, stores, dairies, groceries, bakeries, or elsewhere.

§ 40. The expression "milk which cannot be lawfully sold," or its equivalent, as used in this ordinance, shall be construed to include milk that cannot be lawfully sold under the statutes or laws of this State or of the United States, or under this or any other ordinance of the city of Louisville, whether such statute law, or ordinance be now existing, or be hereafter adopted, declared or enacted.

§ 41. Each day's failure or neglect to do any of the things prescribed by this ordinance shall constitute a separate offense. Each day's continuance of any action or condition of affairs prohibited by this ordinance shall constitute a separate offense.

§ 42. Any person, firm, company or corporation, who shall violate any of the provisions of this ordinance, shall be fined for such offense not less than fifteen nor exceeding one hundred dollars.

This ordinance shall not be construed to prohibit or punish any offense now prohibited or punished, or hereafter prohibited or punished by any statute of the State of Kentucky, under which a punishment exceeding a fine of \$100.00 can be imposed.

§ 43. An ordinance entitled, "An Ordinance Regulating the Sale of Milk," approved May 14, 1898, and all ordinances in conflict herewith are hereby repealed.

§ 44. This ordinance shall take effect from and after its passage.

Approved April 26, 1909.

MONUMENTS.

AN ORDINANCE for the protection of monuments erected by the Commissioners of Sewerage of Louisville.

Be it ordained by the General Council of the city of Louisville:

§ 1. That it shall be unlawful for any person to either remove, deface, mutilate, or in any other way disturb the stone monuments or tablets thereon, now erected, or which may hereafter be erected by the Commissioners of Sewerage of Louisville, which monuments are for the purpose of indicating the geodetic position and elevation with respect to sea level.

§ 2. Any one violating the provisions of this ordinance shall be fined not less than fifty or exceeding one hundred dollars, or be imprisoned not less than ten or exceeding thirty days, or both.

§ 3. This ordinance shall take effect from and after its publication.

Approved May 31, 1906.

MORGUE.

AN ORDINANCE to establish and conduct a morgue for the reception of dead human bodies in the city of Louisville.

Be it ordained by the General Council of the city of Louisville:

§ 1. There is hereby established in the city of Louisville a morgue for the reception of unclaimed dead human bodies.

§ 2. The said morgue shall be established at or near the corner of Eighth and Chestnut streets in said city.

§ 3. The said morgue shall be under the custody, control, and management of the Board of Public Safety, and shall be conducted in accordance with such rules and regulations as said board may prescribe.

§ 4. It shall be the duty of each and every person or persons to report to said morgue every dead human body which is un-

claimed, and which comes to the knowledge, or is in the possession or custody of any person or persons, to said morgue, within twelve hours from the death of any person, or from the discovery of any unclaimed dead human body, or from the time any unclaimed dead human body comes in the custody or control of said person or persons.

§ 5. Any person violating any of the provisions of this ordinance shall be fined not less than twenty-five dollars nor more than one hundred dollars for each offense.

§ 6. An ordinance entitled "An ordinance to establish a morgue in the city of Louisville for the reception of unclaimed dead human bodies," approved October 2, 1894, and all other ordinances in conflict herewith, are hereby repealed.

§ 7. This ordinance to take effect from and after its publication.

Approved August 6, 1895.

NUISANCES.

AN ORDINANCE empowering and authorizing the Health Officer to order the removal, abatement, or prevention of any and every sanitary nuisance in the city of Louisville.

Be it ordained by the General Council of the city of Louisville:

§ 1. That the Health Officer shall have authority to order the removal, abatement, or prevention of any and every sanitary nuisance that may not require proceedings in court, and specify a reasonable time within which it shall be done. In the event of the failure of the owner, agent, or occupant of the premises to comply with the order of the Health Officer to so remove, abate, or prevent any sanitary nuisance within the time given, he or she shall be liable to a fine in the city court of not less than ten (\$10) dollars nor more than twenty (\$20) dollars.

§ 2. This ordinance shall take effect from and after its publication.

Approved December 24, 1895.

NUISANCES.

AN ORDINANCE concerning nuisances injurious to health.

Be it ordained by the General Council of the city of Louisville:

§ 1. That the Health Officer shall have power and authority to examine into all nuisances, sources of filth and causes of sickness, that may in his opinion be injurious to the health of the inhabitants of the city, and whenever any such nuisance, source of filth, or cause of sickness shall be found to exist on any private property, or in any vessel within any port or harbor, or upon any water course, within the city of Louisville, the Health Officer shall have power and authority to order in writing the owner or occupant thereof, at his own expense, to remove the same within twenty-four hours, or within such reasonable time thereafter as such Health Officer may order; and if the owner or occupant shall neglect so to do, he shall be fined not less than ten dollars nor more than one hundred dollars, and each day's continuance of such nuisance, or source of filth, or cause of sickness, after the owner or occupant thereof shall have been notified to remove the same, shall be a separate offense.

§ 2. That all other ordinances in conflict with this ordinance are hereby repealed.

§ 3. That this ordinance shall take effect from and after its passage.

Approved June 28, 1898.

NUMBERING OF HOUSES.

AN ORDINANCE in regard to the numbering of houses and lots in the city of Louisville.

Be it ordained by the General Council of the city of Louisville:

§ 1. That all houses and lots in the city of Louisville shall be numbered as hereinafter provided.

§ 2. First street shall be the dividing line from which the numbering East and West shall commence, beginning with the number "100" on each side of said dividing line, placing the odd numbers on the north side and even numbers on the south side of the the streets running eastwardly and westwardly therefrom.

For the streets running north and south the dividing line shall be Main street (commencing at the city limits on the west) and extending eastwardly to the first alley southwest of Stone street, extended, and then said alley to the right of way of the Louisville & Nashville railroad, then the Louisville & Nashville right of way to Frankfort avenue, and then Frankfort avenue eastwardly to the city limits.

The numbering shall begin with "100" on each side of said dividing line, placing the odd numbers on the east side and the even numbers on the west side of the streets.

All the numbers on the houses north of said dividing line shall be known as North and all the numbers on the houses south of said dividing line shall be known as South.

§ 3. A frontage of twenty-five (25) feet shall be allowed for each number. The number given to any house or lot shall be the number nearest to the proper line. Where the distance between two lots is not sufficient to admit of this, half numbers may be employed, though only where necessary; and as far as practicable all numbers opposite to each other on the same street shall correspond whenever a house shall be upon a lot having a greater number of front feet than is herein prescribed the number of said house shall be the number of the lot upon which the house, or the greater part of the front thereof, stands.

§ 4. The numbering shall commence with "100" at the dividing lines, as above provided, and continue so as not to exceed the number "200" on the first square; the next square to begin with "200," and continue so as not to exceed the number "300" on the same square. All other squares running eastwardly and westwardly and northwardly and southwardly shall be numbered in a corresponding manner until each and every house and lot in every square is numbered.

§ 5. The blocks or squares to each of which one hundred numbers are allotted going north and south of the dividing line are those lying between the main thoroughfares as herein established, all intermediate cross streets not being regarded in the numbering.

The main thoroughfares south of said dividing line are hereby established and numbered as follows:

Main thoroughfare No. One shall be Market street (commencing at the city limits on the west) and extending eastwardly to Mellwood avenue, then Payne street and Payne street, extended, to Park avenue, then Graham street and Graham street, extended, to Stiltz Lane.

Main thoroughfare No. Two shall be Hanover street and Hanover street, extended, then Jefferson street and Jefferson street, extended, then Hamilton avenue, from Mellwood avenue

to Payne street, then Quarry street and Quarry street, extended, to Berkenmeyer avenue, then Raymond avenue to Maryland avenue, then Fayette avenue and Fayette avenue, extended, to Park avenue, then Center avenue and Center avenue, extended, to Stiltz Lane.

Main thoroughfare No. Three shall be Herman street and Herman street, extended (commencing at the city limits on the west), then Hackney avenue, Green street and Green street, extended, to Baxter avenue, then Hamilton avenue to Payne street, then Long avenue from Maryland avenue, extended, to Stiltz avenue.

Main thoroughfare No. Four shall be Walnut street (commencing at the city limits on the west), to Garden street, then Walnut street, extended, to the intersection of Baxter avenue and Hull street, then Hull street and Hull street, extended, to four hundred and sixty (460) feet east of Payne street.

Main thoroughfare No. Five shall be Chestnut street (commencing at the city limits on the west) to Garden street, then Chestnut street, extended, to the intersection of Overhill and Fetter streets, then Fetter street and Payne street to Hamilton avenue.

Main thoroughfare No. Six shall be Broadway (commencing at the city limits on the west) to Baxter avenue, then Broadway, extended, from Baxter avenue to a point on Spring street seventeen hundred (1,700) feet, more or less, west of Long avenue, then Spring street eastwardly.

Main thoroughfare No. Seven shall be Lewis avenue, extended (commencing with the city limits on the west), then Lewis avenue, Maple street, York street, College street, Lamp-ton street and Wickliffe avenue.

Main thoroughfare No. Eight shall be Garland avenue (commencing at the city limits on the west), then Lexington street and Breckinridge street.

Main thoroughfare No. Nine shall be Kentucky street, extended (commencing at the city limits on the west), then Kentucky street and Hepburn avenue.

Main thoroughfare No. Ten shall be Grand avenue, extended (commencing at the city limits on the west), then Grand avenue, Harney street, Churchill street, St. Catherine street and St. Catherine street, extended, Rufer avenue, extended, and Rufer avenue, Transit avenue and Long avenue to Spring street.

Main thoroughfare No. Eleven shall be Virginia avenue (commencing at the city limits on the west), then Oak street and Oak street, extended, to Reutlinger avenue, then Struck avenue to Schiller avenue, then Struck avenue, extended, to an intersection of Von Borries avenue with Rosewood avenue,

then Rosewood avenue and Longest avenue to Finzer parkway.

Main thoroughfare No. Twelve shall be Dumesnil street (commencing at the city limits on the west), then Euclid avenue, Ormsby avenue, Goss avenue with the proposed Eastern parkway, then the Eastern parkway to Castlewood, then Ferndale avenue and Melrose avenue to Cherokee Park.

Main thoroughfare No. Thirteen shall be Woodland avenue (commencing at the city limits on the west), and Magnolia avenue, Victoria Place, Magnolia avenue, extended, to Preston Court, then Preston Court, then a line extended from the intersection of Preston Court and Preston street to the intersection of Meriwether street with Burnett avenue, then with Meriwether street and Mulberry street.

Main thoroughfare No. Fourteen shall be Southern avenue (commencing at the city limits on the west), then Gibson Lane, Hill street, Hill street, extended, to Shelby street, Burnett avenue from Shelby street southeasterly.

Main thoroughfare No. Fifteen shall be A street and A street, extended (commencing at the city limits on the west), then Bland street, Oldham street and Forrest street.

Main thoroughfare No. Sixteen shall be Lee street and Lee street, extended.

Main thoroughfare No. Seventeen shall be Bloom avenue and Bloom avenue, extended, to Lawton avenue, then Rawling avenue to Oldham street.

Main thoroughfare No. Eighteen shall be Avery avenue and Avery avenue, extended.

Main thoroughfare No. Nineteen shall be Brandeis avenue and Brandeis avenue, extended, and Cox avenue.

Main thoroughfare No. Twenty shall be Barbee avenue and Barbee avenue, extended, and Lynn street.

Main thoroughfare No. Twenty-one shall be F street and F street, extended.

Main thoroughfare No. Twenty-two shall be G street and G street, extended.

Main thoroughfare No. Twenty-three shall be H street and H street, extended.

Main thoroughfare No. Twenty-four shall be J street and J street, extended.

Main thoroughfare No. Twenty-five shall be K street and K street, extended.

Main thoroughfare No. Twenty-six shall be L street and L street, extended.

Main thoroughfare No. Twenty-seven shall be M street and M street, extended.

Main thoroughfare No. Twenty-eight shall be N street and N street, extended.

Main thoroughfare No. Twenty-nine shall be O street and O street, extended.

Main thoroughfare No. Thirty shall be P street and P street, extended.

The main thoroughfares north of said dividing line are hereby established and numbered as follows:

Main thoroughfare No. One shall be Rowan street (commencing at the city limits on the west), then Water street, Geiger street, Franklin street, from Wenzel street to Cabel street; then Quincy street and Quincy street, extended, to Adams street, then Maiden Lane and Story avenue from Ohio street to Letterle avenue, then Letterle avenue from Story avenue eastwardly.

Main thoroughfare No. Two shall be Duncan street (commencing at the city limits on the west), then Lytle street from Fifteenth street to Fourteenth street, then Fulton street from Second street to Jackson street, then Brady street and Brady street, extended, then Elm street and Elm street, extended, to Lloyd street, then Lloyd street and Lloyd street, extended, and Tompert avenue.

Main thoroughfare No. Three shall be Garfield avenue (commencing at the city limits on the west), and Garfield avenue, extended, Griffiths avenue, Fulton street from Jackson street to Adams street, then Van Buren street northeastwardly.

Main thoroughfare No. Four shall be Bank street (commencing at the city limits on the west) to Seventeenth street.

Main thoroughfare No. Five shall be Pflanz avenue (commencing at the city limits on the west), then Portland avenue from Thirty-third street to Sixteenth street.

Main thoroughfare No. Six shall be High avenue.

Main thoroughfare No. Seven shall be Rudd avenue.

Main thoroughfare No. Eight shall be Missouri avenue.

§ 6. On streets running eastwardly and westwardly which do not intersect First street the squares thereof shall be numbered to correspond with what would be the proper numbers if said streets were so extended as to intersect said First street. Baxter avenue shall be treated as if it ran north and south.

§ 7. It shall be the duty of the Board of Public Works to cause to be prepared, from time to time, maps of the several streets of the city, showing the numbers of all houses, and upon the application of any owner or agent shall inform him what is the official number of every such building.

§ 8. It shall be unlawful for any owner, occupant or agent of any building to retain or use, or to permit to remain on any such building any other number than that officially designated by the Board of Public Works under the provisions of this ordinance.

§ 9. All numbers shall be not less than 3 inches in height, and be distinctly legible and shall be posted in a conspicuous place upon the front of the building so that they can easily be seen from the public way.

§ 10. Every owner, or occupant, or agent of any building now erected, or that may hereafter be erected in the city of Louisville, who shall remove from said building the official number as required by the provisions of this ordinance, shall upon a conviction be fined in the sum of not less than two dollars, nor more than five dollars for each offense, and each day he shall so remain in default shall be deemed a separate offense and punished accordingly.

§ 11. Any person who shall, without the authority of the owner, or occupant or agent, remove from any building now erected, or that may hereafter be erected in the city of Louisville, the official number as required by the provisions of this ordinance, or who shall deface, injure or destroy any such number, shall upon conviction be fined in a sum of not less than two dollars, nor more than five dollars for each offense.

§ 12. It shall be the duty of all policemen of the city of Louisville to report violations of any provision of this ordinance.

§ 13. The ordinance approved June 8, 1907, entitled "An ordinance in regard to the numbering of houses and lots, and providing that the names of streets be placed on all street corners in the city of Louisville," and all ordinances and parts of ordinances in conflict herewith are hereby repealed.

§ 14. This ordinance shall take effect from and after its passage.

Approved July 13, 1909.

OFFICERS—BOND AND OATH OF.

AN ORDINANCE in relation to the bond and oath of office for officers of the city of Louisville.

Be it ordained by the General Council of the city of Louisville:

§ 1. That each of the following officers of the city of Louisville shall, before entering upon the discharge of his official duties, execute a bond with good surety in the name of the Commonwealth of Kentucky for the use and benefit of the city of Louisville, conditioned upon the faithful performance of all his duties as such officer, namely:

The City Treasurer, a bond in the sum of one hundred thousand (\$100,000) dollars; the Clerk of the City Treasurer, a bond in the sum of ten thousand (\$10,000) dollars; the Tax Receiver, a bond in the sum of one hundred thousand (\$100,000) dollars; the Cashier of the Tax Receiver, a bond in the sum of ten thousand (\$10,000) dollars; the Auditor, a bond in the sum of twenty thousand (\$20,000) dollars; the Comptroller, a bond in the sum of twenty thousand (\$20,000) dollars; the City Buyer, a bond in the sum of ten thousand (\$10,000) dollars; the Assistant City Buyer, a bond in the sum of ten thousand (\$10,000) dollars; the City Assessor, a bond in the sum of ten thousand (\$10,000) dollars; the Livestock Inspector, a bond in the sum of five thousand (\$5,000) dollars; each member of the Board of Public Works a bond in the sum of five thousand (\$5,000) dollars; each member of the Board of Public Safety, a bond in the sum of five thousand (\$5,000) dollars; the Superintendent of Public Wharves, a bond in the sum of five thousand (\$5,000) dollars; the Superintendent of the Street Cleaning Department, a bond in the sum of five thousand (\$5,000) dollars; the Superintendent of the Workhouse, a bond in the sum of two thousand (\$2,000) dollars; the Superintendent of the Home for the Aged and Infirm, a bond in the sum of two thousand (\$2,000) dollars; the Building Inspector, a bond in the sum of five thousand (\$5,000) dollars; the Superintendent of the City Hospital, a bond in the sum of two thousand (\$2,000) dollars; the Superintendent of the Eruptive Hospital, a bond in the sum of one thousand (\$1,000) dollars; the Inspector of Weights and Measures, a bond in the sum of five thousand (\$5,000) dollars.

§ 2. The bonds of the City Buyer, the City Assessor and the Livestock Inspector shall be approved by the General Council; the bond of the Inspector of Weights and Measures shall be approved by the Mayor; the bonds of all of the other officers mentioned in the first section of this ordinance shall be approved by both the Mayor and the General Council.

§ 3. The affidavit to be taken and the form of the bond to be executed by each of said officers shall be in substance as follows:

AFFIDAVIT.

I, _____, do hereby solemnly swear that I will support the Constitution of the United States and the Constitution of this State, the charter and ordinances of the city of Louisville, and be faithful and true to the Commonwealth of Kentucky, so long as I continue a citizen thereof, and that I will faithfully execute, to the best of my ability, the

office of _____ according to law and ordinance; and I do further solemnly swear, that since the adoption of the present Constitution, I, being a citizen of this State, have not fought a duel with deadly weapons within this State, nor out of it, nor have I sent or accepted a challenge to fight a duel with deadly weapons; nor have I acted as second in carrying a challenge or aided or assisted any person thus offending; and I do further solemnly swear that I possess the qualifications prescribed by an act of the General Assembly entitled, "An act for the government of cities of the first class," approved July 1, 1893, as amended, and that I am not subject to any disabilities which render me ineligible to hold the said office. So help me God.

Subscribed and sworn to before me this _____ day of _____, 19____.

Mayor of the city of Louisville.

BOND.

The undersigned, _____, having been duly elected (or appointed) to the office of _____ in and for the city of Louisville, for the term as prescribed by the charter and ordinances of said city, and having qualified by taking the oath of office. Now, therefore, we, _____, as principal, and _____, as surety, hereby bind ourselves, our personal representatives and assigns to the Commonwealth of Kentucky for the use and benefit of the city of Louisville in the sum of \$_____, that the said _____ shall faithfully perform all of the duties of said office according to the law and ordinances.

Witness our signatures this _____ day of _____, 19____.

§ 4. Each of said bonds, after having been approved as aforesaid, shall, with the affidavit attached thereto, be lodged with the Comptroller and filed by him as a part of the records of his office.

§ 5. The ordinance entitled, "An ordinance prescribing the form of bond and oath of office for officers of the city of Louisville," approved February 5, 1894, and all other ordinances and parts of ordinances in conflict herewith, are hereby repealed.

§ 6. This ordinance shall take effect from and after its passage.

The foregoing ordinance having been presented to the Mayor, and having been withheld by him beyond the day of the next regular meeting of the General Council on January 20, 1909, and more than three days having intervened between the presentation to the Mayor and said meeting, and the General Council having actually met on said day, the same became obligatory as if signed by him, according to Section 2795, Kentucky Statutes, and takes effect from and after January 20, 1909. This ordinance was not returned to the clerk of the General Council until November 6, 1909.

JOE D. BRADBURN, C. B. A.
C. B. NORDEMAN, C. B. C.

OFFICE HOURS.

AN ORDINANCE concerning the office hours of all city officers, including the clerks of the General Council.

Be it ordained by the General Council of the city of Louisville:

§ 1. That the office hours of all city officers, including the clerks of the General Council, shall be from 9 A. M. to 4 P. M., except that on Saturdays, from May 1 to October 1 in each year, the offices of all city officers, including the clerks of the General Council, may be closed after 1 P. M.

§ 2. All ordinances in conflict with this ordinance be and the same are hereby repealed.

§ 3. This ordinance shall take effect from and after its passage and publication.

Approved April 21, 1899.

OHIO RIVER.

AN ORDINANCE prohibiting obstructions in the Ohio river.

Be it ordained by the General Council of the city of Louisville:

It shall be unlawful for any person to place or cause obstructions in the Ohio river within the limits of said city, without permission first obtained from the Wharfmaster or General Council, and when such permission shall have been obtained, or there shall be any obstruction without permission, it shall be the duty of the person so placing or causing such obstruction

to remove the same at any time he may be required to do so by the Wharfmaster or the General Council. Any person failing to comply with the provisions of this ordinance shall be fined not less than five dollars nor more than fifty dollars for each twenty-four hours said obstruction shall remain.

Approved December 2, 1858.

PARK POLICE.

AN ORDINANCE authorizing the Board of Park Commissioners to establish a special police force for the proper guarding of park property, and to regulate the same.

Be it ordained by the General Council of the city of Louisville:

§ 1. That the Board of Park Commissioners are authorized and empowered to elect and appoint a special park police force, to consist of such number, rank, and grade as said board shall deem proper, and to be uniformed and to wear such badges as said board shall prescribe; *provided*, said uniform and badges shall differ from the uniforms and badges of the regular police force of the city of Louisville.

§ 2. Said Board of Park Commissioners are authorized and empowered to prescribe the term of office of said special police force, and to establish all necessary rules and regulations for the proper government and discipline of same; to fix and enforce the punishment of the said police for the violations of said rules and regulations; or, if they see proper, to dismiss any or all of said police force for such cause as they may deem sufficient, and to elect others to fill the vacancies caused by dismissal, or from any other cause.

§ 3. This ordinance shall take effect from and after publication.

Approved September 16, 1895.

PAUPERS.

AN ORDINANCE concerning the disposition of sick paupers.

Be it ordained by the General Council of the city of Louisville:

When any pauper or sick person in destitute circumstances shall be landed in the city from any steamboat or other vessel,

the master or person in charge thereof shall immediately cause such person to be conveyed to and placed in some suitable and comfortable house, and shall also report the name and description of such person to the Mayor, and to pay to the Treasurer to the credit of the fund for the support of the poor at least ten dollars for each such person so landed. If these things be not done at the landing of such person, the master and owners of such steamboat or other vessel shall be fined not less than twenty dollars nor more than one hundred dollars for each person so landed. The same penalties apply to all persons who may in any mode bring into the city any such pauper or sick person in destitute circumstances, and fail to report and provide for him as above required.

Approved November 14, 1853.

PATROL WAGONS.

Be it ordained by the General Council of the city of Louisville:

§ 1. That hereafter all patrol wagons in the service of the Police Department of the city of Louisville be inclosed in such a way that prisoners will not be subjected to the public gaze while being conveyed through the streets of the city.

§ 2. That this ordinance shall take effect from and after its publication.

Approved March 1, 1897.

PEDDLERS.

AN ORDINANCE requiring each peddler in the city of Louisville to wear a badge furnished by the Commissioners of the Sinking Fund.

Be it ordained by the General Council of the city of Louisville:

§1. That each and every peddler in the city of Louisville shall wear a badge upon his person, in a conspicuous place, in such a manner that it may always be seen. Said badge shall be of metal, and shall be furnished by the Commissioners of the Sinking Fund, free of charge. Said badge shall have the following words: "City of Louisville, Sinking Fund, Licensed Peddler No., Expires"

§ 2. Said badge shall be furnished each peddler when he procures his license; but each peddler who now has a license shall call at the office of the Commissioners of the Sinking Fund and procure a badge within thirty (30) days from the publication of this ordinance.

§ 3. No person shall destroy, deface, or injure said badge in any manner, nor change the number or date thereon, nor shall any person wear such badge unless he be the licensed peddler in whose name the license is issued.

§ 4. Any person violating any of the provisions of this ordinance shall be fined not less than five dollars nor more than twenty dollars for each offense.

§ 5. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

§ 6. This ordinance shall take effect from its publication.

Approved July 13, 1896.

PETROLEUM AND ITS PRODUCTS.

AN ORDINANCE regulating the storage of petroleum and its products.

Be it ordained by the General Council of the city of Louisville:

§ 1. That it shall be unlawful for any person, firm, or corporation to store or keep for sale in any one place or building, within the following boundary of the city of Louisville, refined petroleum or its products in lots exceeding twenty barrels or refined petroleum of approved State test, and in lots exceeding two barrels of naphtha or gasoline, viz:

Beginning at the point where Shelby street intersects the Ohio river; thence down the river to Twelfth, and then down center of High avenue to where Twenty-eighth street would intersect it; thence south along Twenty-eighth street to Maple street; thence east along the south line of Maple street to Fourteenth street, south along Fourteenth street to Ormsby avenue, east along Ormsby avenue to a point where, if extended, it would strike Shelby street north along Shelby street to the point of beginning: Provided, that lubricating oils and products used by manufacturers shall not be construed as embraced within this ordinance.

§ 2. The prohibitions of this ordinance shall only extend for the time between 6 p. m. and 6 a. m.

§ 3. For any violation of the provisions of this ordinance the offender shall be fined not less than twenty dollars nor

more than one hundred dollars for each and every violation; each day such violation shall continue shall be considered a separate offense. This ordinance is not to be construed to repeal any rights given by this Council under ordinance of May 6, 1893, referred to.

§ 4. The ordinance approved May 6, 1893, entitled "An ordinance to regulate the storage of camphene, petroleum, rock and earth oils, benzine, zenzole, naptha, uninspected oils in the city of Louisville," is hereby repealed.

§ 5. This ordinance to take effect from and after its passage.

Approved April 25, 1894.

PHYSICIANS—QUALIFICATION OF.

AN ORDINANCE defining the qualifications of physicians, surgeons and dentists.

Be it ordained by the General Council of the city of Louisville:

§ 1. That no license shall be issued by the Sinking Fund of the city of Louisville to any one claiming to be a physician or surgeon until he produces for the inspection of the Secretary and Treasurer of the Commissioners of the Sinking Fund a certificate from the State Board of Health showing his legal right to practice his profession as required by Section 2613 of the Kentucky Statutes.

§ 2. That no license shall be issued by the Sinking Fund of the city of Louisville to any one claiming to be a dentist until he produces to the Secretary and Treasurer of the Commissioners of the Sinking Fund a diploma received by him from the faculty of a dental college, duly authorized by the laws of this State, or some other of the United States, or foreign country, and a certificate of qualification issued by the Kentucky State Board of Dental Examiners, as required by Section 2636 of the Kentucky Statutes, approved March 17, 1904.

§ 3. That all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

§ 4. That this ordinance shall take effect from its passage.

Approved March 14, 1907.

PLUMBING DEPARTMENT.

AN ORDINANCE approving a code of rules and regulations for the government of the Department of Plumbing and House Drainage in the city of Louisville.

Be it ordained by the General Council of the City of Louisville:

§ 1. That the following Code of Rules and Regulations for the government of the Department of Plumbing and House Drainage, under an ordinance entitled "An ordinance creating a department of plumbing in the city of Louisville," approved May 27, 1902, which code has been submitted to the General Council for its approval by the Board of Public Safety, and the Examining Board of said department, be, and the same is hereby, approved and adopted as follows, to-wit:

Code of Rules and Regulations for the government of the Department of Plumbing and House Drainage in the city of Louisville:

ARTICLE I.

§ 1. The inspector shall inspect all work, for which a permit has been issued, and give a certificate for all work that has been constructed according to the provisions of these rules and regulations.

§ 2. The inspector shall refuse to give a certificate for any work done contrary to any provision of these rules and regulations; and shall declare such work unsafe, and forbid the use of same until it has been properly corrected.

§ 3. The Department of Plumbing shall keep a record of all permits issued, and shall submit a report at the end of each fiscal year of all business done during the year to the Board of Public Safety.

ARTICLE II.

§ 1. No person other than a master or journeyman plumber, or experienced pipe layer in the employ of a master plumber, shall construct any sewer or drain that connects with a plumbing system or with the public sewer, or repair same. This does not include any work done by the city under the supervision of the Board of Public Works.

ARTICLE III.

§ 1. A plan or abstract of all plumbing shall be furnished to the inspector and receive his approval before a permit is issued for same. Said plan or abstract shall be kept on file in the inspector's office.

§ 2. Any architect, builder, agent, plumber or journeyman, or any person having charge of a building in which there will be any alterations in plumbing, sewers or drains, shall secure a permit for such work before beginning unless said work comes under the class recognized in these rules and regulations as repairs, as follows:

"Repairs—Consist of such work as repairing leaks, repairing valves and cocks, cleaning out waste-pipes and sewers, and placing in new fixtures in place of old ones, where such fixtures can be placed without altering plumbings.

ARTICLE IV.

§ 1. Notice for inspector must be delivered and filed at the office of the inspector, upon blanks furnished by the department for that purpose.

§ 2. It shall be the duty of the constructing plumber to have his job ready for inspection at the time agreed upon between him and the inspector.

§ 3. All plumbing shall be tested with the water and smoke test in the presence of the inspector. All pipes must remain uncovered in every part until they have successfully passed the test. The plumber must securely close all openings as directed by the inspectors. The use of wooden plugs for this purpose is prohibited.

The water test will be applied by the closing of the lower end of the main house drain and filling the pipes to the highest opening above the roof with water. If the drain or any part of the system is to be tested separately, there must be a head of water at least six (6) feet above all parts of the work so tested.

§ 4. After the completion of the work, when the water has been turned on and the traps filled, the plumber must make a smoke test in the presence of the inspector and as directed by him.

§ 5. All underground work inside of a house must be inspected before being covered.

ARTICLE V.

§ 1. All terra cotta sewer pipe used in connection with a plumbing system, or connected with a public sewer, shall be of

a size approved by the inspector, but in no case shall a main sewer be less than six inches.

§ 2. All sewer pipe must be of the best quality, vitrified terra cotta, and must be laid in as straight a line as possible, with a graded fall toward the sewer or pit where possible of not less than one-quarter ($\frac{1}{4}$) inch to the foot where practicable. All branches in the main line shall be "Y" fittings; all turns shall be made with $\frac{1}{8}$ bends.

§ 3. All joints of terra cotta pipe shall be made with first-class hydraulic cement, and care must be taken that no part of cement remains inside of any part of pipe or fittings.

ARTICLE VI.

§ 1. All cast iron pipe used in connection with a plumbing or drain system, either as soil or waste pipe, shall be of the class known to the trade as extra heavy, whenever a building is three stories high or higher; otherwise, the standard soil pipe may be used. When extra heavy pipe is used it shall be of the following weight:

2-inch, $5\frac{1}{2}$ pounds per lineal foot.

3-inch, $9\frac{1}{2}$ pounds per lineal foot.

4-inch, 13 pounds per lineal foot.

5-inch, 17 pounds per lineal foot.

6-inch, 20 pounds per lineal foot.

7-inch, 27 pounds per lineal foot.

8-inch, $33\frac{1}{2}$ pounds per lineal foot.

10-inch, 45 pounds per lineal foot.

12-inch, 54 pounds per lineal foot.

All cast iron fittings used in connection with the plumbing or drain system shall be of the same grades as above stated, and all turns must be made with extra long or one-eighth bends, and all connections shall be made with "Y" and one-eighth bends.

§ 2. All cast iron shall be put together thus: First, pack joint with oakum, then follow with molten lead; this must be caulked by hand until tight.

§ 3. All main drain pipes inside of buildings or under a building inside of its walls shall be of iron, of a grade required by these rules and regulations, and main waste pipes shall extend at least two feet on the outside of the building before entering the underground sewer pipe.

ARTICLE VII.

§ 1. When any lead branch waste shall be connected with any main waste or soil pipe or connected with any cast iron

pipe, it shall be done with a brass nipple or combination ferrule wiped on said lead waste and caulked into soil or cast iron pipe.

§ 2. No black wrought iron pipe shall be used as soil, waste or sewer pipe, or as vent pipe in connection with any plumbing system.

ARTICLE VIII.

§ 1. Every water closet, urinal, sink, basin, bath, and every set of wash trays, tubs, or set of tubs, must be effectively and separately trapped. When floor washes are connected it must be by a deep seal trap. Traps on bath tubs must be placed in such a manner that the cleanout will be in plain view and above the floor.

§ 2. All traps and bends to closets and other fixtures must be revented or back aired (except as herein provided); yard closets and yard sinks will not require vent pipes, provided that they are not over seven feet off the main line, and, provided, however, that the main line is extended to the roof of main building; in all other cases yard closets and sinks must be vented, but two closets and two sinks may be placed on one four-inch sewer and vent, provided, however, that they are in the same yard of the same owner. The term yard closet and sink means a water closet and sink not attached to the house and that they will not be, nor can there be other fixtures added, and in the interior of a house a revent for back air pipe will not be required, provided, however, that the trap to fixture does not set more than 36 inches from center to center, off the vertical or horizontal line of drain, soil, or waste pipe, provided that said drain, soil, or waste pipe is continuous, of ample size to prevent one fixture from syphoning another, and of the same diameter from its base to the roof.

§ 3. In no case shall a waste from any fixture be connected with any water closet, trap, or revent connection for same.

§ 4. All ventilating pipes shall be the same size as the waste. In no case shall the vent pipe run horizontally, but at an angle of forty-five degrees, or perpendicularly. Two or more vent pipes may be connected together before passing through the roof by increasing the main pipe in the proration to the combined areas of the ventilating pipes added. In no case shall vent pipe be connected with another vent pipe less than three feet above the highest fixture. All vent pipes shall be increased one size before passing through the roof.

§ 5. When a vent pipe, after passing through a roof, comes within fifteen feet of any door or window, said vent pipe must

be extended at least five feet above the top of such door or window.

§ 6. No lead pipe used for waste shall be less than one and one-half ($1\frac{1}{2}$) inches.

§ 7. No brick, sheet metal, earthenware, or chimney flue shall be used for sewer ventilators or to ventilate any trap, soil, or waste pipe.

§ 8. Vent pipes from water closet trap shall not in any case be less than two inches in diameter, and when more than one closet is vented through the same pipe, the size of such pipe shall be as follows:

Two closets.....	$2\frac{1}{2}$ -inch pipes
Over 2 and up to 4.....	3-inch pipes
Over 4 and up to 6.....	4-inch pipes

§ 9. No rain water conductor shall be used as soil, waste, or vent pipe, nor connected therewith, nor shall any soil, waste, or vent pipe be used as a rain water conductor.

ARTICLE IX.

§ 1. The plumbing of every building shall be separately and independently connected with the public sewer when such sewer is provided, or with proper cess-pool when sewer is not accessible.

§ 2. It is positively forbidden to connect the drain of any plumbing fixture to any street or alley when a sewer is accessible.

§ 3. In no instance shall any waste from any plumbing fixture be less than one and one-half inches.

Waste to plumbing fixtures shall be thus: Washstands, $1\frac{1}{2}$; bath and foot tubs, $1\frac{1}{2}$; sink, 2; slop hopper, 3; wash trays, 2; water closets, 4; urinals, 2 inches in all cases, unless otherwise permitted by the inspector.

Special fixtures shall be connected according to the instructions of the inspector.

§ 4. All waste pipes must be put in with the proper fall, $\frac{1}{8}$ to $\frac{1}{4}$ inch to the foot, securely fastened in a proper manner and to the satisfaction of the inspector.

§ 5. All waste to overflow pipes from safes under water closets, and from other fixtures, or from tank, shall run separately to the basement, cellar, or to an open receptacle, and in no case shall they be connected with the soil or waste pipe.

§ 6. No waste pipe from a refrigerator or other receptacle in which food or provisions are stored, shall be connected with a drain, soil, or waste pipe, but shall be separated therefrom by an open-air or water-supplied sink or tray fitted with a trap.

§ 7. No steam exhaust, blow-off, or drip shall be directly connected with any soil, waste, or sewer pipe or any part of the plumbing system, but must first be received in an open-air receptacle from which a suitable waste, properly trapped, must connect with the soil, waste, or sewer pipe.

§ 8. In no case shall a vent pipe or back-air pipe be connected with any chimney brick flue.

§ 9. Local vents may be connected to hot-air stacks in which there is continual circulation, when such hot-air stacks are accessible. This does not apply to smokestacks.

ARTICLE X.

§ 1. All joints on lead waste or ventilating pipes must be wiped; no cup or blow joints will be allowed. Saddle joints on any soil, waste, or ventilating pipes are positively forbidden.

§ 2. The overflow of a fixture must connect to the waste on inlet side of the trap of that fixture.

ARTICLE XI.

§ 1. Water closets must never be placed in an unventilated room or compartment. In every case the room or compartment must be open to the outer air or be ventilated by means of an air duct or shaft.

§ 2. When water closets are placed in outhouses the traps must be properly protected from freezing. Closets placed in outhouses must be of a class acceptable to the inspector, not prohibited by these rules and regulations.

§ 3. Pan closets or hopper closets, where traps are under the floor, are positively forbidden, and all other closets in which the soil comes in contact with any part of the metallic parts of a closet, are strictly forbidden inside of any building, and all such closets in use at the present time are hereby condemned, and no plumber shall repair any such closets, but shall report such closets when out of order to the inspector.

ARTICLE XII.

The term "soil pipe" is applied to any verticle line of pipe extending through the roof, receiving the discharge of one or more water closets, with or without other fixtures.

The term "waste pipe" is applied to any pipe extending through a roof, receiving the discharge from any fixtures except water closets. The term "vent or revent pipe" is applied

to any special pipe provided to ventilate the system of piping and to prevent trap syphonage or back pressure.

Approved by the Board of Examiners of the Department of Plumbing and House Drainage this July 18, 1902.

FRANK NOLAN, Chairman Exam. Board;

P. T. CAHILL, Member Exam. Board;

TOM JOHNSON, Member Exam. Board;

EDW. TOMPPERT, Member Exam. Board;

JACOB ISAACS, Member and Sec. Exam. Board.

Approved by the Board of Public Safety.

HARRY M. BRENNAN, Chairman.

§ 2. That any firm, person, or corporation that is now engaged or shall hereafter be engaged in the plumbing business and shall violate any provision contained in said Code of Rules and Regulations, shall be guilty of a misdemeanor and shall be subject to a fine of not less than five (\$5) dollars nor more than fifty (\$50) dollars for each offense, and each day's continuance of such violation shall constitute a separate offense.

§ 3. That this ordinance shall take effect from its passage.

Approved December 15, 1902.

POLICE.

AN ORDINANCE prohibiting any member of the police force of the city of Louisville from being employed or detailed or doing any private watching for any person or purpose whatever.

Be it ordained by the General Council of the city of Louisville:

§ 1. No member of the police force of the city of Louisville shall be employed or detailed to do any private watching for any person or purpose whatever; nor shall any member of the police force do any private watching for any person or purpose whatever.

§ 2. Any person violating any provision of this ordinance shall be fined not less than five dollars nor more than twenty dollars for each offense.

§ 3. All ordinances and parts of ordinances in conflict herewith are hereby repealed.

§ 4. This ordinance shall take effect from and after its publication.

Approved June 19, 1896.

POLICE COURT.

AN ORDINANCE to regulate the issue, service and return of original, mesne, and final processes in and from the Police Court of the city of Louisville, and prescribe the duties of the various officers in relation thereto, and in regard to the financial operations of said court.

Be it ordained by the General Council of the city of Louisville:

§ 1. That, in the administration of the offices of clerk and bailiff of the Police Court, and the financial operations of said court, that the following system shall prevail:

All warrants for issue by the Police Court shall be printed, with a stub, and bound (in the same manner as the city tax bills), stub and warrant to be machine numbered, stub and warrant alike, to continue numerically indefinitely, so that no two warrants may be of the same number. The stub shall be prepared to show the name of the person against whom the warrant issued, the residence or place of business of such person, the name of the person at whose instance issued, and the residence or place of business of such person, and the offense charged, and receipt for the bailiff, his deputy, or assistant to sign when delivered for service, and the date the warrant is returnable. Said stubs shall be carefully filed and preserved in such manner as to afford easy reference thereto.

§ 2. The officer, upon receiving a warrant, shall receipt to the clerk of the Police Court therefor upon the stub of the warrant so delivered to him, giving the date of such receipt.

§ 3. The number of the warrant shall be the number of the case, and shall also be the number of any *capias*, execution, *fieri facias*, bond, or order made or issued in the case, and said number shall be referred to, as well as the page of the docket or minute-book in the indices thereof, and shall not be changed in the progress of the case.

§ 4. The execution docket to be kept by the clerk of the Police Court shall in all cases show the name of the person against whom a warrant has been issued, number of warrant, the offense, the judgment of the court, and the various steps in the case to final disposition. Said docket shall be arranged in columns for dollars and cents, to-wit: A column for the original fine assessed; a column for the amount of fine for which a person committed is committed to the work-house; a column for the amount of fine for which a person committed to jail is ordered; a column for the amount of any

modification or reduction; a column for the amount replevied; a column for amount suspended; a column for amount set aside, and a column for the amount returned by the bailiff as satisfied or paid in cash, and a column for the amount credited for labor at the workhouse, and with sufficient space for memoranda, in which must be entered the date of such modification, reduction, suspension, replevin, or setting aside. Said docket shall at all times be kept written up to date and properly indexed.

§ 5. There shall be kept by the clerk of the Police Court a bond docket, in which shall be entered by date of maturity all replevin, appearance, and other bonds, the amount of which accrues to the city by the failure of the principal and sureties to comply with the conditions of said bonds, and said docket shall show when said bonds are canceled, collected, or forfeited, the date thereof, and the step taken to recover the same.

§ 6. It shall be the duty of the jailer of Jefferson county in rendering bills against the city for subsistence, maintenance, and punishment of prisoners committed to the Jefferson county jail by the police, or Police Court of Louisville, to have the correctness of said bills certified to thereon by the clerk of the Police Court before filing said bills with the Comptroller for registration and allowance by the General Council, and no bills shall be registered by the Comptroller unless certified by said clerk.

§ 7. It shall be the duty of the clerk of the Police Court to make a report at the end of each month to the Comptroller, in such form as may be prescribed by said Comptroller, showing in detail the amounts chargeable to the bailiff for collection by capias, execution, fieri facias, bond, or otherwise.

§ 8. It shall be the duty of said clerk of the Police Court to issue all writs of capias profine, or fieri facias, as provided in Section 151 of an act for the government of cities of the first class, approved July 1, 1893, which shall be delivered to the bailiff or his deputy or assistant, unless in cases against him or either of them, in which case they shall be delivered to the other officers named in Section 151 aforesaid. In both forms of execution a day shall be named within which it must be returned, not beyond thirty (30) days from the date of its issue, and if such execution be not returned for ten (10) days after the return day thereof, then such officer receiving the same shall be liable for the full amount thereof, which may be recovered in said court on rule for contempt of court in failing to return said writ issued by said Police Court, or by civil action against the officer on his official bond before any civil court in said city having jurisdiction of the amount thereof, and the prosecuting attorney of the City Court shall institute and

prosecute all such rules, and the City Attorney shall prosecute all such actions when requested so to do by the Comptroller, and said Comptroller shall make such request whenever the report to be made by the clerk of said Police Court, as required by the seventh section of this ordinance, shows such bailiff or other officer to be in default with respect to any such execution.

§ 9. In order to carry out the provisions of Section 158 of an act of the General Assembly entitled "An act for the government of cities of the first class," approved July 1, 1893, it is ordained that the clerk of said court shall not suffer or permit any entry to be made on any record book of his office containing the judgments, orders, or proceedings of said court in his office, or during the recess or adjournment of said court; and if such entry be made over his protest, he shall not regard the same valid for any purpose, nor shall he regard any order of court setting aside, suspending, or modifying any judgment or order made not in open court, unless such or all suspending, setting aside, or modifying be made and entered in open court, and on motion and grounds in writing filed, within three days after the entry of the original order or judgment.

§ 10. That the expense of the Police Court may be readily ascertained, it shall be the duty of the clerk of the Police Court, at the end of each month, to make out a pay-roll (in the form now in use for city officers) for all officers of the Police Court, entering their names and titles in the following order, viz: The judge, any substitute he may have had during the month; the prosecuting attorney, clerk, and deputies; the bailiff and deputies; interpreter and stenographer, and shall certify the same to the Comptroller for registration and allowance by the General Council.

§ 11. For the purpose of increasing the efficiency of the office of the clerk of the Police Court, and the better preservation of the records of said court, the room now occupied by the bond recorder, and the room now occupied by said clerk of the Police Court, and being rooms 13 and 14 in the City Hall, are hereby set apart for the exclusive use of said clerk of the Police Court, and it shall be unlawful for any other office, officer, or person to occupy said rooms jointly with him, or to remain therein, except on business; and it shall be the duty of said clerk to enforce this ordinance, excluding such person from his office; and he is hereby authorized to call upon any policeman to eject them, and, if necessary, to arrest and present them to the Police Court.

§ 12. It shall be the duty of the bailiff, or his deputies and assistants, to receipt to the clerk of the Police Court, in such form as may be prescribed by this ordinance, as the clerk of

said court may require, for all warrants, capiases, executions, fieri facias, or other writs, or processes which may be delivered to him or them.

§ 13. The clerk of the Police Court of Louisville is hereby authorized to issue alias executions in all cases that have been returned no property found, and to place said executions in the hands of the bailiff, taking his receipt for same.

§ 14. The bailiff shall keep a "cash book," in which he shall enter daily all fines and forfeitures collected by him. Said entries shall be in detail by number of execution, capias, fieri facias, or other process or bond (which number shall in all cases be the number of the warrant first issued in the case), with the name of the defendant in full, as near as may be, and the amount of fine originally assessed, and the amount actually collected.

§ 15. The bailiff shall pay over to the City Treasurer each day, as provided by Section 117 of an act for the government of cities of the first class, approved July 1, 1893, all fines and forfeitures collected by him during the previous day, charging the treasurer therewith upon his "cash book," in the detail of said charge setting out the number of the case, and the name of the defendant or other person paying said fine or forfeiture.

§ 16. The bailiff shall, at the end of the month, report to the Comptroller, in such form as may be prescribed by said Comptroller, all executions, capiases, fieri facias, or bonds upon which money due to the city of Louisville, collectable by the bailiff during the month which may not have been paid, and the reason therefor, and his disposition of the papers; said report to be subscribed and sworn to.

§ 17. All books, records, reports, and forms herein provided for shall be the property of the city, and shall be supplied by the City Buyer upon requisition, approved by the Comptroller and Mayor; said books, records, and reports are hereby declared permanent records, and shall be turned over by any retiring officer to his successor.

§ 18. All original, mesne, and final process issued by the clerk of said court shall run in the name of the Commonwealth of Kentucky, and be addressed to the bailiff of said court, or any sheriff, constable, or policeman; shall be signed and dated by the clerk of said court, and, as near as may be, of the form in use in the Circuit Court of this State. But no interest or cost shall be included in any writ for the collection of money, by imprisonment or otherwise, and it shall be the duty of the prosecuting attorney of said Police Court to enforce the proper issual, execution, and return of all said writs by rule and attachment from said court, as if for contempt of

court, and said court is hereby authorized to punish for such contempt as provided by law.

§ 19. It shall be the duty of the prosecuting attorney of said court, within the first five days of each month, to thoroughly inspect the records of the clerk and bailiff of said court, to see whether they have complied with the law regulating their respective duties, including this ordinance, and to report to the Mayor of said city, in writing, whether they and each of them have failed to perform or disregard their duty in any respect; and, if so, in what respect, stating fully and in detail the derelictions of duty; said reports to be filed by said Mayor, and preserved as part of the records of his office.

§ 20. If any officer, upon whom any duty is enjoined by this ordinance, violate any provision of this ordinance, or shall willfully neglect to perform his duties under the same, he shall forfeit the sum of fifty dollars for each offense, which may be recovered in said court upon ordinance warrant, or the same may be recovered at the suit of any taxpayer of the city as relator to the city of Louisville as plaintiff, one-half the sum so sued for to go to such relator and the other half to be paid to the city treasury; and for the third offense such officer shall be removed from office, as provided in Section 19 of the act for the government of cities of the first class, approved July 1, 1893, and, pending such proceedings, all claim for salary shall be suspended; and, if expelled from office, no salary shall be allowed after the date of the beginning of such proceedings.

§ 21. If more than one writ shall issue in the same case, all subsequent writs shall bear the original number, with the figures 2d, 3d, or 4th added immediately after the original number. The prosecuting attorney for said court shall order the clerk of said court to issue the new writs whenever he deems it proper to do so, and the officer who had the first writ for execution may, after its return day, return thereon the reason for its non-execution, and sue out another. If any judgment is replevied in the clerk's office before execution issues, the clerk shall take such bond and be responsible for the solvency of the surety thereon, as of that time; and if the said debt is replevined while process for its collection is in the hands of the bailiff or his assistants or deputies, such officer shall, in like manner, be responsible for the solvency of the surety in replevin bonds taken by him; but either officer may protect himself against such responsibility by requiring proper affidavit of the surety, showing what property he has subject to execution.

§ 22. This ordinance shall take effect from and after its passage and publication.

Approved March 2, 1897.

POLICE DEPARTMENT.**Maintenance, Organization and Government of.**

AN ORDINANCE providing for the maintenance, organization, and government of the Police Department of the city of Louisville, including private policemen.

Be it ordained by the General Council of the city of Louisville:

§ 1. That in accordance with the provisions of the charter of said city, a police force shall be elected and organized by the Board of Public Safety, to consist of one chief, with the rank of colonel; one assistant chief, with the rank of major; also captains, lieutenants, and sergeants necessary to manage the Police Department, not exceeding the number of each as provided by law, and not exceeding three hundred patrolmen, of whom ten shall be supernumerary policemen. Supernumerary policemen shall be placed on duty only during the absence or sickness of any of the regular policemen, and shall receive pay only for the time in which actual service is rendered.

In addition to this force the Board of Public Safety shall, from time to time, elect such private policemen as may be found necessary, in accordance with Section 109 of "An act for the government of cities of the first class."

When elections are held at which officers and members of the police force have the lawful right to vote, the commanding officer, or chief, shall arrange so that all such men, officers, and policemen shall have a reasonable time to go their respective precincts, or place of voting, and cast their votes according to their own wishes and judgment, without intimidation or interference of any kind.

The Board of Public Safety shall make all necessary rules and regulations not in conflict with this ordinance, or "Act for the government of cities of the first class," for the good government and discipline of the regular and private police force, and all private police elected by the Board of Public Safety of the city of Louisville shall be governed by this ordinance and the rules prescribed by the said Board of Public Safety.

§ 2. When any rule or order of the Board of Public Safety is violated, for which the punishment is less than dismissal, the person guilty of a violation of such rule or order shall not be suspended from duty, but in lieu thereof shall be "suspended from pay," for such time, not exceeding thirty days, as the Board of Public Safety may deem just and equitable, and the secretary of the Bureau of Police shall keep a

record of the time such person may be "suspended from pay," and instead of paying or allowing to such person the time or money earned during such suspension, the same shall be deducted from the monthly pay of such person so suspended and placed to the credit of the "Police Relief Fund," and used and expended in giving relief to such members of the regular police force who may become sick, injured, or disabled while in the discharge of their regular duties as police officers.

The secretary of the Bureau of Police shall be secretary of the "Police Relief Fund," and the officers and members of the police force shall annually elect from among their number a treasurer of said "Police Relief Fund," and such other officers as may be found necessary to properly conduct the affairs of said "Police Relief Fund," and all officers thereof shall serve without compensation from the city. The treasurer shall be required by rule to execute such bond for faithful discharge of his duty, with approved surety, as may from time to time be found necessary. No person but members of the police force of the city of Louisville shall be members of the "Police Relief Fund," and should any member of the police force fail to be re-elected as such member of the police force, or dismissed from said force, he shall lose all rights to or interest in any part of the "Police Relief Fund."

The officers and members of the police force of the city of Louisville shall adopt such rules and regulations as found necessary for the proper government of the "Police Relief Fund," and distributing the funds thereof among those entitled thereto; and any member thereof found guilty of making false or fraudulent claims against the "Police Relief Fund," or failing to account properly for any property or money belonging thereto, shall, in addition to the penalties now prescribed by law, be dismissed from the police force. All money or other property belonging to the "Police Relief Fund" shall be held and deposited and invested in the name of the "Police Relief Fund" of Louisville.

§ 3. The Board of Public Safety shall have the power to detail from the police force not exceeding ten (10) persons to act as detectives, one of whom, in the discretion of the Board of Public Safety, may be detailed to act as chief of detectives, and these officers shall not be required to wear any uniforms; such detectives shall at any time, when, in the opinion of the Board of Public Safety, it becomes necessary, be required to do regular police duty. The chief of detectives shall at all times see that a correct journal and account of the acts and doings of this department is properly kept in books to be kept for that purpose, which shall be furnished by the city of Louisville and remain the property of the city of Louisville, and at all times

open to inspection of the Mayor, Board of Public Safety, or chief of police.

§ 4. The police force, while on duty, shall be uniformed as follows:

The chief of police shall wear a uniform like that of a colonel in the regular army of the United States, a metal shield of gold or gilt, with the words "Chief of Police, Louisville," engraved thereon, which he shall wear on the left lapel of his coat.

The assistant to the chief, whose title shall be major, shall wear the same uniform as the chief of police, with the exception of shoulder straps, which shall be those prescribed in the regulations of the United States army for major; on the left lapel of the coat he shall wear a gold or gilt shield, with the words "Major of Police, Louisville," engraved thereon.

The captains shall wear the same uniform as the chief and major, with shoulder straps same as those prescribed for captains in the United States army, with gold or gilt shield, with the words "Captain of Police, Louisville," engraved thereon, to be worn on the left lapel of coat.

Lieutenants shall wear the same uniforms as the chief, major, and captains, with shoulder straps same as those prescribed for first lieutenants in the United States army, to be worn on the left lapel of their coat, with the words "Lieutenant of Police, Louisville," engraved thereon.

Sergeants shall wear the same uniforms as a lieutenant, with the exception that he will wear chevrons prescribed by the United States army regulations; he shall wear a silver or gilt shield on the left lapel of his coat, with the words "Sergeant of Police, Louisville," engraved thereon.

Corporals shall wear the same uniforms as policemen, with the exception that he shall wear chevrons prescribed by the United States army regulations; he shall wear a silver or gilt shield on the left lapel of his coat, with the words "Corporal of Police, Louisville," engraved thereon.

Policemen shall wear the same uniforms as corporals, with the exception of chevrons; he shall wear a silver or gilt shield on the left lapel of his coat, with the words "Louisville Police" and number engraved thereon.

Officers and policemen shall wear from about the first day of June until the first day of October in each year, the precise time to be fixed by the chief of police, the following dress, to-wit:

A blue flannel yacht cloth sack coat, and vest of the same material; the coat of the patrolman to be single-breasted sack, with short turn-over collar, to button close up to the chin, with five buttons on the front, no pockets to show on the outside, vest single-breasted, with six buttons at equal distance, and the pan-

taloons to be made as winter pantaloons, and hat or cap to be selected by the Board of Public Safety, and upon which shall be worn a metal wreath, encircling rank or number assigned to the officer or policeman by the chief, and shall wear a white standing collar and black neck-tie.

And from about the first day of October in each year, the exact time to be fixed by the chief of police, they shall wear a navy blue frock coat, single-breasted, nine buttons on the front, two buttons on the hip, two buttons on the bottom of each pocket, and three small buttons on the under seam of the cuff; pantaloons to be made of the same material as the coat; white standing collar and black neck-tie.

They shall also wear a uniform overcoat of dark blue cloth, when required; the button on coat and overcoat shall be the police (P) button.

The private police shall wear a gray regulation cap, with the words "Private Police" printed, stamped, or worked thereon, together with the number of said private policeman. Each private policeman shall also wear a metal badge on the left breast, exposed to view, with the words "Private Police," together with the number of said officer engraved thereon. The pattern of said cap and shield shall be selected by the Board of Public Safety, and each private policeman shall procure the same through the chief of police before entering upon his duty. A failure to wear said cap or badge by any private police officer, or any private police agency, or to comply with the rules prescribed by the Board of Public Safety, shall be cause for dismissal and arrest, or either, or both, and be fined not less than five (\$5) nor more than twenty (\$20) dollars for each offense.

The chief of police shall, before entering upon the discharge of his duty, enter bond, with good security, to be approved by the Board of Public Safety, conditioned for the faithful discharge of the duties imposed upon him by law.

When any reduction shall be made from the pay of an officer or member of the police force, because of such officer or member having been suspended from pay, such reduction shall be charged to the officer or member of said police force who may have been suspended from pay, and the amount so deducted shall be credited to the "Police Relief Fund," upon the regular monthly pay-roll, and the Auditor shall, when approved in the manner required by law, draw his warrant on the Treasurer for said amount in favor of the "Police Relief Fund," in the same manner as he would to an individual, and a receipt for said warrant, or an indorsement signed by the secretary and president of the "Police Relief Fund," shall be sufficient to attest to and protect the Auditor in issuing said warrant, and the Treasurer in paying same, and the proceeds of such warrant

shall be at once paid into the "Police Relief Fund," there to be held and distributed as herein directed.

In case any member of the police force should be wounded in the actual discharge of his duty as a policeman, his salary, not exceeding thirteen weeks, shall be continued for a period of such disability, if satisfactory proof of such wounding shall be furnished the Board of Public Safety. Such person so wounded shall, at all times, when required, subject himself to examination by the Health Officer of the city of Louisville.

§ 5. No policeman shall be placed on duty until he shall have entered bond with the city of Louisville, to be approved by the Board of Public Safety, for the faithful performance of his duty.

§ 6. The chief of police and commanding officers shall wear the shoulder straps designating their rank on summer uniform same as winter uniform.

The uniform here prescribed shall be paid for and furnished, excluding the shield, belt, and baton, by the officers and policemen themselves.

Each officer shall procure and furnish himself with the prescribed uniform within twenty days of the time of his election.

§ 7. It is hereby made unlawful for any person, other than a member of the regular police force of said city, bailiff of Police Court and his deputies, at any time to wear a shield, badge, or any imitation thereof, as prescribed by this ordinance.

Any person violating this section shall be deemed guilty of a misdemeanor, and shall be fined ten (\$10.00) dollars for each offense.

§ 8. All ordinances in conflict with this ordinance are hereby repealed.

§ 9. This ordinance shall take effect from and after its passage and publication.

Approved April 19, 1898.

POLICE DEPARTMENT.

Leaves of Absence.

AN ORDINANCE regulating the granting of leaves of absence to the officers and members in the Police Department of the city of Louisville.

Be it ordained by the General Council of the city of Louisville:

§ 1. That all officers and members of the Police Depart-

ment of the city of Louisville, regularly on the pay-roll of said department, shall be granted a leave of absence of ten days, with full pay, in each year, commencing with September 1, 1902.

§ 2. That the Board of Public Safety shall allot to each member of the Police Department the date of such ten-days' leave of absence, beginning with the oldest member in point of services in said department, at such time and in such manner as said board may deem proper, but at no time shall there be more than ten members of said department absent in the enjoyment of such leave of absence during the same period.

§ 3. That each member of said department shall have the privilege of exchanging the date of his said ten-days' leave of absence with another member of the same rank by notifying the chief of police, and obtaining the approval of said board.

§ 4. That all of the officers and members of said department shall be further granted a leave of absence for three days of twenty-four hours each, without loss of pay or salary, in the event of the death of a parent, child, wife, sister, or brother of any such officer or policeman, the said days to be computed from the time of the death of such relative. This leave of absence shall not be granted in the event such relative die and be interred away from the city of Louisville, unless such officer or policeman actually attends the funeral of such deceased relative.

§ 5. That all ordinances, or parts of ordinances, in conflict with this ordinance be, and the same are hereby, repealed.

§ 6. That this ordinance shall take effect from its passage.
Approved August 23, 1902.

POOLROOMS.

AN ORDINANCE to prevent the operation of pool-rooms in the city of Louisville.

Be it ordained by the General Council of the city of Louisville:

§ 1. That it shall be unlawful for any person, firm, or corporation to establish, set up, maintain, keep, operate, or conduct in the city of Louisville a pool-room, or what is commonly called a "pool-room," wherein or whereat any money or other thing of value shall be or can be bet, won or lost on the result of any horse race or races, ran or to be run in or out of the city of Louisville, or wherein or whereat any money or other thing of value shall be received or paid for any ticket, lot, pool, or

chance on the result of any such horse race or races ran or to be run in or out of the city of Louisville; and any person, firm, or corporation that shall violate any provision of this section shall, on conviction, be fined one hundred dollars for each offense; and each day such pool-room is thus maintained, kept, operated or conducted shall constitute a separate offense.

§ 2. That it shall be unlawful for any person to aid, abet, or assist any other person, or corporation, or to act, as the agent, or employe of any other person, or corporation, in establishing, setting up, maintaining, keeping, operating, or conducting any such pool-room as is defined in Section 1 of this ordinance; and any person who shall violate any provision of this section shall, on conviction, be fined in any sum not less than twenty-five nor more than one hundred dollars for each offense; and each day any person shall thus aid, abet, or assist in maintaining, keeping, operating, or conducting such a pool-room, or shall act as agent or employe of any person or corporation in maintaining, keeping, operating, or conducting such a pool-room, shall constitute a separate offense.

§ 3. That it shall be unlawful for any person, firm, or corporation, either as owner or agent, to let, lease, or rent to any other person, firm, or corporation any room, house, or building, to be used or occupied as a pool-room, or for any of the purposes defined in Section 1 of this ordinance; or as owner, or agent, to permit any room, house, or building to be so used or occupied after receiving notice thereof; and any person, firm, or corporation that shall violate any provision of this section shall, on conviction, be fined in any sum not less than fifty dollars nor more than one hundred dollars for each offense, and each day such room, house, or building shall be so used, or occupied shall constitute a separate offense.

§ 4. That it shall be unlawful for any telegraph, telephone, or messenger company, or any officer, agent, messenger, or employe thereof, to furnish, deliver, or communicate to any owner, proprietor, agent, or employe of any pool-room maintained, kept, operated, or conducted in the city of Louisville for any of the purposes defined in Section 1 of this ordinance, any message, communication, or information to be used at such a pool-room as is defined in Section 1 of this ordinance concerning any horse race or races in or out of the city of Louisville; and any company, person, firm, or corporation that shall violate any provision of this section shall, on conviction, be fined in any sum not less than twenty-five dollars nor more than one hundred dollars for each offense, and each message or communication so furnished, or delivered, or communicated shall constitute a separate offense.

§ 5. That it shall be unlawful for any person to buy or to have in his possession any ticket, lot, pool or chance in or of any such pool-room as is defined in Section 1 of this ordinance, on any horse race or races ran or to be run in or out of the city of Louisville, and any person who shall violate any provision of this section shall, on conviction, be fined in any sum not less than five dollars nor more than fifty dollars for each offense.

§ 6. That it shall be the duty of the Board of Public Safety, and each member of said board, to suppress all such pool-rooms as are defined in Section 1 of this ordinance, and by and through the police force to faithfully execute all the provisions of this ordinance; and it shall be the duty of the chief of police and each member of the police force of the city of Louisville to detect and arrest all violators of any provisions of this ordinance, and any willful failure or refusal to do so by any officer, patrolman, or detective on the police force shall subject him to a fine of not less than fifty dollars nor more than one hundred dollars for each offense, and on conviction for such offense in the Police Court of the city of Louisville it shall be the duty of said board, after notice to and trial of such convicted member of the Police Department, to dismiss him from further service therein, and to not thereafter appoint him to any position in said department, or place him on the pay-rolls thereof.

§ 7. That any member of the Board of Public Safety who shall willfully fail or refuse to execute any provision of this ordinance, or to join with any other member of said board in executing the same, or who shall willfully fail or refuse to dismiss or to join with any other member of said board in dismissing from further service in the Police Department any member thereof who shall have been convicted in the Police Court of the city of Louisville of violating any provision of this ordinance, or any member of said board who shall appoint or join any other member of said board in appointing any such convicted member of the Police Department to any position therein, or who shall place, or join any other member of said board in placing, any such convicted member of the Police Department on the pay-rolls thereof, shall, on conviction, be fined one hundred dollars for each offense.

§ 8. That all other ordinances or parts of ordinances in conflict or inconsistent with this ordinance are hereby repealed.

§ 9. That this ordinance shall take effect and be in force from and after its passage.

Approved Februaury 14, 1901.

PUBLIC MORALS.—A City Ordinance forbidding the transmission to a pool-room operator of messages intended to be used in the business of pool selling in the city is a valid exercise of the police power of the State.

Conceding that an ordinance prohibiting and punishing the operation of pool-rooms was broad enough to include French pools, which has been construed as a contrivance used in betting, within Ky. St. 1903, Secs. 1960-1961, which fix a greater penalty than that fixed by the ordinance for setting up and running such contrivances, and hence is, as to French pools, void, because violative of Const., Sec. 168, forbidding the enactment of ordinances prescribing less penalties than fixed by statute for the same offense, yet it is void only to that class of pool selling, and is valid in other particulars prescribed therein, such as the penalties affixed to the acts of having pool tickets in possession, and furnishing telegraphic messages to operators, knowing that they are to be used to further the business of pool selling, which are not within the statutory prohibition. Rehearing (1903) 76 S. W., 876, 25 Ky. Law Rep., 995, denied.—City of Louisville v. Wehmhoff, 79 S. W., 201, 25 Ky. Law Rep., 1924; Same v. Alvey, Id.; Same v. Pirtle, Id.; Same v. Smith, Id.

POSTING BILLS.

AN ORDINANCE in relation to posting bills, advertisements, etc., on poles supporting telegraph, telephone, electric light, or fire alarm wires.

Be it ordained by the General Council of the city of Louisville:

§ 1. That it shall be unlawful for any person or persons to nail or paste any bill or poster, placard, or advertisement to any post or pole used for supporting telegraph, telephone, electric light, fire alarm wires, or upon any pole or post, or upon any tree-box, tree guard, or upon any tree.

§ 2. Any person or persons violating the provisions of the first section of this ordinance, on conviction thereof, shall be deemed guilty of a misdemeanor, and shall be fined for each offense not less than five dollars nor more than fifteen dollars.

Approved September 16, 1895.

POSTING HAND-BILLS.

AN ORDINANCE prohibiting the posting of hand-bills, etc., in the city of Louisville.

A fine of five dollars is hereby imposed upon any and all persons who shall paste a hand-bill or print an advertisement on any house or fence, whether public or private, without the consent of the owner. And the same fine is also imposed upon any

and all persons for whose benefit said hand-bills or printed advertisements are put up. It is hereby made the duty of the police to give information against all persons who may violate this ordinance.

Approved December 17, 1855.

POWDER MAGAZINES.

AN ORDINANCE regulating powder magazines in the city of Louisville.

No person shall erect, use, or occupy as a powder magazine any house located within two hundred yards of any other building, nor then unless the house be fire-proof and fully protected from lightning, and inclosed within a fence at least 12 feet high, under a penalty of not less than fifty dollars nor more than five hundred dollars. No person shall have in one house or place, other than a powder magazine, a quantity of gunpowder exceeding twenty-eight pounds, and not more than six and a quarter pounds in any one parcel, under a penalty of fifty dollars: *provided*, that kegs of powder for sale or shipment may be kept in store, or elsewhere in the city, during the day from dawn to sunset only.

Approved November 19, 1872.

PRINTED MATTER CONCERNING SECRET DISEASES.

AN ORDINANCE concerning the display or distribution of printed matter concerning "secret diseases."

It shall be unlawful for any one to place or cause to be placed in any street or alley, or on any wall, fence, or other place exposed to public view, within the city limits, any indecent or gross painted, printed, or written advertisement, bill, or notice of professional skill, or remedies for treatment of what are usually called "secret diseases," or to leave or cause to be left any such notices, bills, or advertisements, whether inclosed in an envelope or other form, or uninclosed, in any yard or premises attached to any dwelling-house within the city, or under any door, or to give or cause to be given to any servant or person about such dwelling-house or premises any such notices, bills, or advertisements. For a violation of any of the provisions of

this ordinance the party offending shall, for each offense, be fined not less than fifty dollars nor more than one hundred dollars; and, moreover, shall be subject to be arrested and held in custody for trial before the judge of the City Court of Louisville.

Approved December 9, 1867.

PRINTING ORDINANCES.

AN ORDINANCE concerning the printing of General Ordinances in either board of the General Council.

Be it ordained by the General Council of the city of Louisville:

§ 1. That when a general ordinance shall be offered for adoption in either board of the General Council such board at any time before such ordinance is placed upon its passage, or before some date to be fixed in the resolution of such board, on the motion of any member thereof, the board into which the same shall be introduced may, by resolution thereof, order and direct the City Buyer to have printed fifty (50) copies thereof, and the clerk of such board shall mail one copy of the same when delivered to him to the Mayor, City Attorney, and each member of the General Council; provided, however, that this ordinance shall not apply to nor include ordinances for the construction, reconstruction, or repair of public ways, or for the construction of fire hydrants, or other public improvements.

§ 2. That where either board of the General Council shall order and direct an ordinance to be printed as prescribed in Section 1 of this ordinance, such ordinance shall be printed in folio foolscap form, with pica type, each page to contain not less than thirty lines of solid matter of the usual length, numbered consecutively, with a pica reglet only in each space between the lines; and in counting the composition upon the bills, the same shall be measured as solid small pica matter. Every necessary fraction of the page shall be counted as a full page; but no entire blank page shall be counted or charged for; provided, that the printing under this ordinance shall be let by the City Buyer to the lowest and best bidder.

§ 3. That all ordinances in conflict with this ordinance be and the same are hereby repealed.

§ 4. That this ordinance shall take effect from its passage.

Approved August 8, 1902.

PRIVATE DRAINS.

AN ORDINANCE relating to private drains.

Be it ordained by the General Council of the city of Louisville:

§ 1. Hereafter any person desiring to have a drain connected with any sewer in the city of Louisville shall make application to the chief engineer of the Board of Public Works on a blank form furnished by the said engineer. The chief engineer shall then furnish an estimate of the cost of said drain, including in said estimate all expenses connected therewith, and a liberal margin for all possible contingencies, and the applicant shall make a special deposit of the amount of said estimate with the City Treasurer, who shall issue a certificate of deposit in duplicate, the original of which shall be retained by the applicant, and the duplicate filed with the chief engineer.

§ 2. Upon said duplicate being filed, the chief engineer shall have the drain laid from the sewer to the property line of the party applying therefor, and at the end of the current month shall certify to the applicant by postal card the excess of the deposit over the actual cost of said drain, and said excess shall be refunded to the party by voucher, furnished by the chief engineer, approved by the Board of Public Works and registered by the Comptroller. The postal card mailed to the applicant by the chief engineer, notifying him of the amount of rebate, shall be a sufficient voucher when paid by the City Treasurer.

§ 3. To enable the chief engineer to carry out the provisions of Sections 1 and 2 of this ordinance, the Board of Public Works is hereby authorized to employ men competent to do such work, and shall keep a record of all the transactions connected with the laying of said drains.

§ 4. The money received by the Treasurer for the laying of the drains shall be kept as a special account, and credited to the account of private drains, and shall be used to pay off all liabilities incurred for laying drains, and for no other purpose. Said money is in no wise to be considered or construed as the money of the city of Louisville.

§ 5. The chief engineer is hereby empowered to fix the grades, inclinations, and depths of all drains within the limits of the street or other public highway.

§ 6. All ordinances in conflict herewith be and are hereby repealed.

§ 7. This ordinance shall take effect from and after its publication.

Approved November 9, 1895.

PRIVATE DRAINS.

AN ORDINANCE requiring the connection of private drains with public sewers.

Be it ordained by the General Council of the city of Louisville:

§ 1. That the inspector of buildings shall require each architect, contractor, builder, or other person who shall apply to him for a permit to erect any new building, or to repair an old building, to exhibit to him, before he shall issue to such person a permit, satisfactory evidence from the Board of Public Works that such applicant has connected or will, as soon as practicable, connect the private drain from the proposed building, or building to be repaired, with the public sewer, provided such building shall be erected on property abutting on a street or alley in which there is located such a sewer.

§ 2. That this ordinance shall take effect from and after its passage.

Approved April 27, 1900.

PRIVY VAULTS.

AN ORDINANCE concerning the removal of contents of privy-vaults.

Be it ordained by the General Council of the city of Louisville:

§ 1. That it shall be unlawful for any one to convey or have conveyed any part of the contents of any privy-vault, or other vault containing offensive matter, through or along any of the streets or alleys of the city, and deposit or with a view of depositing the same at any place outside of the city limits near enough thereto to be offensive to any one within the city limits.

§ 2. It shall be unlawful for any one to deposit or have deposited any part of the contents of any such vault as described in the first section at any place within the city limits, except in the current of the Ohio river. It shall be unlawful for any one to convey or have conveyed any part of the contents of any such vault as described in the first section along any of the streets or alleys of the city, except in water-tight carts or vehicles, and between the hours of 10 and 4 o'clock at night: Provided, however, that the contents of any such vault as described in the first section hereof may be removed at any time in inclosed water-

tight carts, if the contents of such vault, before being removed, are first disinfected and deodorized; and after thus being rendered free from offensive smell, to the full satisfaction of the Board of Health, may be removed from such vault, and deposited in such place or places as may be petitioned for by all the property-owners and residents within fifteen hundred feet of the proposed place of deposit, and not otherwise.

§ 3. Whoever shall violate any of the provisions of this ordinance shall be fined for each offense not less than ten dollars nor more than one hundred dollars.

Approved May 18, 1872.

PRIVY VAULTS.

AN ORDINANCE concerning privy-vaults.

Be it ordained by the General Council of the city of Louisville:

No privy shall be built without a vault at least twelve nor more than thirty feet deep, and walled with hard brick; nor shall any part of the contents of any privy vault be removed except by its being taken out of the city, or into the current of the river in the night-time. Each privy shall be kept in proper condition at all times, and from the first of April till the last of October shall be well sprinkled with lime at least twice in each month. Any owner or occupant of premises on which any of the above regulations shall not be complied with shall be fined ten dollars for each offense.

Approved November 5, 1853.

PUBLIC BRIDGES.

AN ORDINANCE to prevent injury, mutilation, or defacement of public bridges of the city of Louisville.

Be it ordained by the General Council of the city of Louisville:

§ 1. That it shall be unlawful to injure, mutilate, or deface any of the public bridges of the city of Louisville, or to paint, paste, or fasten any sign, bill, or other advertisement or notice thereon.

§ 2. Any person violating the provisions of this ordinance shall be fined not less than five dollars nor more than twenty dollars.

§ 3. This ordinance to take effect from and after its passage.

Approved September 16, 1895.

PUBLIC SERVICE CORPORATIONS.

Examination of Books.

AN ORDINANCE providing for the examination and inspection of the books, records and physical properties of all public service corporations and of all persons and corporations conducting or owning public utilities in the city of Louisville.

Be it ordained by the General Council of the city of Louisville:

§ 1. That all public service corporations and all persons, firms and corporations conducting, owning or exercising any franchise granted by the city of Louisville, shall hereafter exhibit and disclose to the proper authorities or representatives of the city of Louisville for inspection and examination all of the books, records and papers and all of the physical property of such person, firm or corporation, in so far as same pertain to or are in any manner connected with the exercise of such franchise or such public utility.

§ 2. Any person, firm or corporation owning or exercising any public franchise, such as mentioned in Section 1, who fails or refuses to so exhibit and disclose any of its books, records or papers, or its physical property, or fails to permit any properly constituted officer, agent or representatives of the city of Louisville to make such examination and inspection, shall be deemed guilty of a misdemeanor, and on conviction shall be fined not less than fifty nor more than one hundred dollars for each offense, and each day such failure or refusal is continued shall be deemed a separate offense.

§ 3. This ordinance shall take effect from and after its passage.

Approved July 12, 1909.

PUBLIC WAYS.

Asphalt Streets—Specifications.

AN ORDINANCE prescribing the general specifications and the manner of constructing and reconstructing public ways with asphalt pavement.

Be it ordained by the General Council of the city of Louisville:

That the following shall be the specifications and the manner of constructing and reconstructing public ways with asphalt pavement in the city of Louisville:

SUBGRADE.

§ 1. The street surface shall be worked to the grade established by the General Council and in cross-sections the subgrade shall be as shown on the plans.

CURBING.

§ 2. Dividing the sidewalk from the carriageway and supporting the former there shall be laid lines of curbing. This curbing shall be constructed of such material and in such a manner as may be specified by the Board of Public Works.

BINDERS.

§ 3. Binder stone shall be laid in such manner and at such places on the work as the Board of Public Works, or its agent, may direct. Binder stones shall be six (6) inches in thickness, fifteen (15) inches in depth and shall be pointed off smooth and even on the top surface, and for three (3) inches in depth on the side next to the pavement. No binder stone shall be less than four (4) feet in length.

PREPARATION OF ROADBED.

§ 4. After being graded to the required section the roadbed shall be further prepared for paving by the removal of all vegetable or mucky matter, quicksand or other objectionable material, and the material removed shall be replaced with gravel, sand or good earth filling, as directed; then the entire roadbed shall be thoroughly rolled with a roller of not less than ten (10) tons weight. No paving material shall be put down before the

graded or rolled surface shall have been finally inspected and approved by the Board of Public Works, or its agent. A roller of five (5) tons weight may be used, provided that the roadbed shall be rolled to the satisfaction of the Board of Public Works, or its deputy.

FOUNDATION FOR PAVEMENT.

§ 5. Upon the roadbed thus prepared shall be laid a bed of concrete six inches in thickness, constructed with either natural or Portland cement, as may be specified by the Board of Public Works, sand and broken stone or a mixture of half and half broken stone and gravel.

Cement—When natural cement is specified it shall comply with the following requirements: It shall be of such a fineness as to leave by weight a residue of not more than ten per cent. (10 per cent.) on the number 100, and thirty per cent. (30 per cent.) on the number of 200 sieve. It shall develop initial set in not less than ten minutes nor more than two hours. The minimum requirements for tensile strength for briquettes one inch square in cross section shall be as follows: The neat cement after twenty-four hours in moist air, not less than seventy-five (75) pounds; seven days (one day in moist air, six days in water), not less than one-hundred-fifty (150) pounds; when mixed, one part cement and three parts standard sand after seven days (one day in moist air and six days in water), not less than sixty (60) pounds.

When Portland cement is specified it shall meet the following requirements: It shall be of such fineness as to leave by weight of residue of not more than eight per cent. (8 per cent.) on the number 100 and twenty-five per cent. (25 per cent.) on the number 200 sieve; it shall develop initial set in not less than thirty minutes. The minimum requirements for tensile strength for briquettes one inch square in cross section shall be as follows: The neat cement after twenty-four hours in moist air, not less than one-hundred-seventy-five (175) pounds; seven days (one day in moist air and six days in water), not less than five-hundred (500) pounds. When mixed, one part cement and three parts standard sand after seven days (one day in moist air and six days in water), not less than one-hundred-seventy-five (175) pounds. When pats of neat cement about three inches in diameter, one-half inch thick at the center, and tapering to a thin edge are kept in moist air for a period of twenty-four hours they shall show no cracks or distortions when exposed to an atmosphere of steam above boiling water in a loosely-closed vessel for five hours. The cement shall not con-

tain more than one-and-three-fourths ($1\frac{3}{4}$) per cent. of anhydrous sulphuric acid (SO).

Sand—The sand in the concrete must be clean and sharp and shall not contain more than five (5) per cent. of clay or loam when tested by shaking with water, and must be free from all vegetable matter.

Stone—The stone for the concrete shall be clean and hard broken stone, freed from dust and particles that have been weathered or otherwise soft material. It shall all pass a two-and-one-half ($2\frac{1}{2}$) inch screen in its largest dimension. When stone is to be used alone it shall be graded in sizes from coarse to fine. When it is to be used mixed with gravel it shall contain no particles smaller than one-half ($\frac{1}{2}$) inch in size.

Gravel—the gravel must be clean and free from all vegetable matter, and shall not be larger than one (1) inch in its largest dimension.

Proportions—When natural cement is specified, it shall consist of one part cement, two parts sand and five parts of stone, or a mixture of crushed stone and gravel half and half may be used in place of stone alone at the discretion of the Board of Public Works.

When Portland concrete is specified it shall consist of one part of cement, three parts of sand and seven parts of broken stone, or a mixture of crushed stone and gravel half and half may be used in place of stone alone, at the discretion of the Board of Public Works.

MIXING.

§ 6. The sand and cement shall be thoroughly mixed dry to a uniform color, and then just enough water added to make a plastic mortar. The stone or the mixture of the stone and gravel shall then be thoroughly drenched with water and mixed with the cement mortar until every piece of stone is completely covered. If the concrete is mixed by hand, the batches shall not contain more than one barrel of cement at a mixing, and the mixing shall be done by a sufficient number of skilled men to guarantee an expeditious handling thereof, and, if necessary, the concrete shall be protected until set from the action of the sun, wind and frost, and when deemed necessary shall be sprinkled. No concrete shall be used which has been mixed more than thirty minutes.

The contractor shall supply with all cement to be used for concrete a certificate from an established testing laboratory stating that the cement which he is using has been inspected and tested and complies with the requirements of these specifications.

The cement may be sampled from time to time by the Board of Public Works, or its agent, and subjected to the above tests.

§ 7. Gutters may be paved with vitrified block or artificial stone, as may be designated by the Board of Public Works.

SHEET ASPHALT PAVEMENT.

§ 8. The pavement proper shall consist of a binder course from one (1) to one-and-one-half ($1\frac{1}{2}$) inches thick when compressed, and a wearing surface of from one-and-one-half ($1\frac{1}{2}$) to two (2) inches thick when compressed. The Board of Public Works shall direct what thickness of binder course and wearing surface within the above limits will be required for each pavement.

The binder course shall be composed of clean, hard broken stone free from any particles that have been weathered or otherwise soft material. It shall all pass a one and one-fourth ($1\frac{1}{4}$) inch screen. Eighty-five (85) per cent. of the stone shall pass this screen in its largest dimensions, and of the remaining fifteen (15) per cent. no piece shall have a larger dimension than one and one-half ($1\frac{1}{2}$) inches. The stone must be so graded from coarse to fine that at least thirty (30) per cent. will pass a screen two (2) mesh per linear inch, and not less than ten (10) per cent. or more than twenty (20) per cent. shall pass a ten (10) mesh screen. If the stone does not contain the proper amount of material passing the two (2) mesh screen, the deficiencies may be made up by the addition of gravel and sand. The stone, or mixture of stone, gravel and sand, shall be heated not higher than three hundred and fifty (350) degrees F. in suitable appliances. It is then to be thoroughly mixed by machinery with an asphalt cement, previously heated to the minimum temperature, at which it will properly coat the stone, such as is acceptable for surface cement penetration sixty (60) to ninety (90) (Dow machine), in such proportions that the resulting binder will have life and gloss without an excess of cement. Should it appear dull from over-heating or lack of cement, it shall be rejected. All portions of the finished binder that show an excess of asphalt cement, must be cut out and thrown away.

The binder must be hauled to the work and spread while hot upon the foundation to such a thickness that, after being immediately compacted by tamping and rolling until it is cold, its depth shall at no place be less than that prescribed by the Board of Public Works, and its upper surface shall be parallel to the surface of the pavement to be laid. All binder that shows lack of bond or is in any way defective shall be removed from the

street and replaced by good material at the expense of the contractor.

WEARING SURFACE.

§ 9. Upon the binder course shall be laid the asphalt wearing surface, composed of:

1. Asphalt cement, a mixture of (a) refined asphalt and (b) petroleum flux.

2. Moderately sharp, clean grained sand.

3. Filler.

or

1. Asphalt cement, a mixture of (a) refined asphalt and (b) petroleum flux.

2. Rock asphalt.

3. Filler.

ASPHALT CEMENT.

§ 10. The asphalt cement must be manufactured only from such materials as are described in Sections 11 to 18, both included, of this ordinance, and in accordance with the methods therein described. The brand of asphalt to be used must be specified in each bid. The contractor may change the brand of asphalt from that specified in his bid to any other admitted under these specifications only by written consent of the Board of Public Works.

SAND.

The sand to be used shall be hard grained and moderately sharp. On sifting it shall have the following composition: Passing 6 mesh not less than 100 per cent. Passing 40 mesh not more than 85 per cent. Passing 80 mesh not less than 25 per cent. Passing 100 mesh not less than 10 per cent.

FILLER.

This shall be thoroughly dry limestone dust or Portland cement, the whole of which shall pass a 30 mesh to the inch screen, and at least sixty-six (66) per cent. shall pass a two hundred (200) mesh to the inch screen. The paving mixture shall contain from eight (8) per cent. to twenty (20) per cent. of this filler, depending upon the kind of sand and asphalt used and the traffic conditions upon the street on which it is to be laid.

WEARING SURFACE OF ASPHALT. CEMENT SAND AND FILLER MIXTURE.

§ 11. The materials complying with the above specifications shall be mixed in proportion by weight depending upon their character and the traffic of the street and upon the character of the asphalt used. The percentage of bitumen in any mixture, soluble in carbon di-sulphide, shall not exceed the limits given in the specifications for that individual asphalt. If the proportions of the mixture are varied in any manner from those specified, the mixture shall be condemned, its use shall not be permitted, and if already placed on the streets it shall be removed and replaced by proper materials at the expense of the contractor.

The sand and the asphalt cement shall be heated separately to a temperature that will give, after mixing, a paving mixture of the proper temperature for the materials employed, as prescribed in the individual specifications for the various asphalts approved for use. The filler shall be added to the hot sand in the required proportions and the two thoroughly mixed.* The asphaltic cement, at the required temperature and in the proper proportions, shall then be added and the mixing continued in a suitable apparatus until a homogeneous mixture is produced. Sand boxes and asphalt gauges will be weighed in the presence of inspectors as often as may be required.

Samples of all materials entering into the composition of the pavement shall be supplied to the engineer or his representatives in suitable tin boxes and cans and he shall have access to all branches of the works at any time.

The paving mixture, prepared in the manner above described, shall be brought to the street in carts at a temperature between 225 degrees and 325 degrees F., and if the temperature of the air is less than 60 degrees F. the contractor must provide canvas covers for use in transit. It shall then at once be spread by means of hot iron rakes in such a manner as to give a uniform and regular grade, so that, after receiving its final compression by rolling, it will have a thickness not less than that prescribed by the Board of Public Works. The surface shall then be compressed by rolling with light rollers and tamping, after which a small amount of cement shall be swept over it and it shall then be thoroughly compressed by a steam roller weighing not less than one hundred and seventy-five (175) pounds to the inch tread, the rolling being continued for not less than five hours for every 1,000 square yards of surface.

CALIFORNIA ASPHALT.

§ 12. If the pavement be laid with California asphalt the wearing surface shall comply with the following requirements:

Refined Asphalt—The refined asphalt shall be obtained by heating liquid California asphalt or California maltha until it has acquired a consistency of not less than fifteen (15) penetration (Dow machine). The temperature attained during the process of manufacture must never exceed six hundred (600) degrees F. The refined asphalt must contain not less than ninety-eight (98) per cent. of bitumen soluble in carbon disulphide.

Asphalt Cement—The asphalt cement shall have a penetration at seventy-seven (77) degrees F., of between fifty-five (55) and (70) (Dow machine). It shall be made by the admixture of the refined asphalt with a suitable flux. If the flux is other than what is known as California liquid asphalt or California maltha, it shall not exceed 10 parts to 100 parts of the refined asphalt. Any additional flux over the ten (10) parts per hundred (100), must be the residuum from California asphaltic oil.

The asphalt cement must comply with the following requirements:

(1) It must be of such a character that when made into a cement of ten (10) penetration at thirty-two (32) degrees F. it will not show a penetration of more than four hundred (400) at one hundred and fifteen degrees (115) F.

(2) When the pure bitument of the asphalt cement is made into a briquette having a cross section of one square centimeter, it must stretch to a distance of 100 centimeters or over without breaking, when tested for ductility at seventy-seven (77) degrees F.

(3) When the asphalt cement is heated in an open tin at a temperature of three hundred (300) degrees F. for eighteen (18) hours in a hot-air oven, it must not show a loss by volatilization of over five (5) per cent., and it must not have hardened over fifty (50) per cent. by this heating.

(The above enumerated physical properties shall be determined by uniform methods, descriptions of which are on file in the office of the Chief Engineer.)

The asphalt cement must never be heated to a temperature above three-hundred-fifty (350) degrees F. after it has been brought to the proper consistency for paving. When this asphalt cement is in a molten condition it must be thoroughly agitated before drawing from storage, so as to insure a uniform cement.

Paving Mixture—The paving mixture made with this asphalt shall contain between nine and one-half ($9\frac{1}{2}$) and twelve and one-half ($12\frac{1}{2}$) per cent. bitumen, soluble in carbon di-sulphide, and at least ten (10) per cent. of the filler, depending upon the kind of sand used, and the traffic conditions upon the street on which it is to be laid.

The asphalt paving mixture shall never be of a temperature higher than three-hundred-thirty (330) degrees F., nor lower than two-hundred-fifty (250) degrees F. The temperature of this paving mixture will be regulated according to the temperature of the atmosphere and the working of the mixture.

MIXTURES OF CALIFORNIA ASPHALTS WITH HARD NATURAL ASPHALTS.

§ 13. If the pavement be laid with a mixture of California asphalts with hard natural asphalts, the wearing surface shall comply with the following requirements:

Refined Asphalts—If the crude natural asphalt contains water, it shall be refined by heating to a temperature of not over three-hundred-fifty (350) degrees F., with the addition if necessary of a suitable flux, until all the water has been driven off. A portion of the liquid or solid California asphalt may be added during this process.

Asphalt Cement—The asphalt cement shall have a penetration at seventy-seven (77) degrees F., of between 45 and 70 (Dow machine). It shall be made by the admixture of the refined asphalt with liquid or solid California asphalt (as described under "California Asphalt"), and a suitable flux in such proportions that the asphalt cement will comply with the following requirements, but in no case shall it contain more than twenty (20) per cent. of flux other than California liquid asphalt.

(1) It must be of such a character that when made into a cement of ten (10) penetration at thirty-two (32) degrees F., it will not show a penetration of more than three hundred (300) at one-hundred-fifteen (115) degrees F.

(2) When the pure bitumen of the asphalt cement is made into a briquette having a cross section of one square centimeter, it must stretch to a distance of twenty centimeters or over without breaking, when tested for ductility at seventy-seven (77) degrees F.

(3) When the asphalt cement is heated in an open tin at a temperature of three hundred (300) degrees F. for eighteen (18) hours in a hot air oven, it must not show a loss by volatilization of over five (5) per cent., and it must not have hardened over fifty (50) per cent. by this heating.

(The above enumerated physical properties shall be determined by uniform methods, descriptions of which are on file in the office of the City Engineer.)

The asphalt cement must never be heated to a temperature above three hundred and fifty (350) degrees F. after it has been brought to the proper consistency for paving. When this asphalt cement is in a molten condition it must be thoroughly agitated before drawing from storage and while in use in the supply kettles, in order to insure a uniform cement.

Paving Mixture—The paving mixture made with this asphalt shall contain between nine and one-half ($9\frac{1}{2}$) and twelve and one-half ($12\frac{1}{2}$) per cent. bitumen soluble in carbon di-sulphide, and at least ten (10) per cent. of filler, depending upon the kind of sand and asphalt used and the traffic conditions upon the street upon which it is to be laid.

The asphalt paving mixture shall never be of a temperature higher than three hundred and thirty (330) degrees F., nor lower than two hundred and fifty (250) degrees F. The temperature of this paving mixture will be regulated according to the temperature of the atmosphere and the working of the mixture.

BERMUDEZ ASPHALT.

§ 14. If the pavement be laid with Bermudez asphalt, the wearing surface shall comply with the following requirements:

Refined Asphalt—The refined asphalt shall be obtained by heating the crude natural asphalt as mined from what is known as the Bermudez Asphalt Lake deposit in Bermudez State, United States of Venezuela, without the admixture of any other material, to a temperature of not over two hundred and fifty (250) degrees F., until all the water is driven off. The refined asphalt must analyze between ninety (90) and ninety-six (96) per cent. bitumen soluble in carbon di-sulphide.

Asphalt Cement—The asphalt cement must have a penetration at seventy-seven (77) degrees F. of between 50 and 70 (Dow machine). It shall be made by the admixture of the refined asphalt with an approved flux. If the flux is other than what is known as California liquid asphalt or California maltha, it shall not exceed twenty-five parts of flux to one hundred parts of the refined asphalt. No materials other than the above stated shall be added to the refined asphalt in the manufacture of the asphalt cement.

The asphalt cement must comply with the following requirements:

(1) It must be of such a character that when made into a cement of ten (10) penetration at thirty-two (32) degrees F.

it will not show a penetration of more than three hundred (300) at one hundred and fifteen (115) degrees F.

(2) When the pure bitumen of the asphalt cement is made into a briquette having a cross section of one square centimeter it must stretch to a distance of forty (40) centimeters or over, without breaking, when tested for ductility at seventy-seven (77) degrees F.

(3) When the asphalt cement is heated to a temperature of three hundred (300) degrees F., in an open tin box for eighteen (18) hours in a hot-air oven, it must not show a loss by volatilization of over five (5) per cent., and it must not have hardened over fifty (50) per cent. by this heating.

(The above enumerated physical properties shall be determined by uniform methods, descriptions of which are on file in the City Engineer's office.)

The asphalt cement must never be heated to a temperature above three hundred and fifty (350) degrees F., after it has been brought to the proper consistency for paving. When this asphalt cement is in a molten condition it must be thoroughly agitated before drawing from storage, and while in use in the supply kettles, so as to insure a uniform cement.

Paving Mixture—The paving mixture made with this asphalt shall contain between nine and one-half ($9\frac{1}{2}$) and twelve and one-half ($12\frac{1}{2}$) per cent. bitumen soluble in carbon disulphide, and at least ten (10) per cent. of filler, depending upon the kind of sand used, and the traffic conditions upon the street on which it is to be laid.

The asphalt paving mixture shall never be of a temperature higher than three hundred and thirty (330) degrees F., nor lower than two hundred and fifty (250) degrees F. The temperature of the paving mixture will be regulated according to the temperature of the atmosphere, and the working of the mixture.

TRINIDAD ASPHALTS.

§ 15. If the pavement be laid with Trinidad Lake or Land Asphalt, the wearing surface shall comply with the following requirements:

Refined Asphalt—The refined asphalt shall be obtained by heating the crude natural asphalt as mined from what is known as the Trinidad Asphalt Lake deposit, or Trinidad Asphalt Land deposits in the island of Trinidad, or as mined elsewhere without the admixture of any other material, to a temperature of not over three hundred and fifty (350) degrees F., until all the water is driven off. The refined asphalt must analyze between fifty (50) per cent. and fifty-eight (58) per cent. bitumen soluble in carbon disulphide.

Asphalt Cement—The asphalt cement shall have a penetration at seventy-seven (77) degrees F., of between forty (40) and sixty (60) (Dow machine). It shall be made by the admixture of the refined asphalt with an approved flux. If the flux is other than what is known as Calofirnia Liquid Asphalt or California Maltha, it shall not exceed twenty-five (25) parts to one hundred (100) parts of refined asphalt. No materials other than the above stated shall be added to the refined asphalt cement, excepting that the contractor may be allowed to mix with Trinidad asphalt, California asphalt, provided the asphalt cement meets with the following requirements:

(1) It must be of such a character that when made into a cement of ten (10) penetration at thirty-two (32) degrees F., it will not show a penetration of more than three hundred (300) at one hundred and fifteen (115) degrees F.

(2) When the pure bitumen of the asphalt cement is made into a briquette having a cross section of one square centimeter, it must stretch to a distance of forty (40) centimeters or over, without breaking, when tested for ductility at seventy-seven (77) degrees F.

(3) When the asphalt cement is heated in an open tin at a temperature of three hundred (300) degrees F., for eighteen (18) hours in a hot-air oven, it must not show a loss by volatilization of over five (5) per cent., and it must not have been hardened over fifty (50) per cent. by this heating.

Unless this Trinidad asphalt has been so treated as to render it practically unacted upon by water, it must be laid upon a binder containing sufficient fine material to render it impervious to water, and made with one of the asphalts admitted by these specifications other than Trinidad.

(The above enumerated physical properties, and as to whether the asphalt is practically unacted upon by water, shall be determined by uniform methods, descriptions of which are on file in the office of the City Engineer.)

The asphalt cement must never be heated to a temperature above three hundred and fifty (350) degrees F., after it has been brought to the proper consistency for paving. When this asphalt cement is in a molten condition it must be thoroughly agitated before drawing from storage and while in use in the supply kettles so as to insure a uniform cement.

Paving Mixture—The paving mixture made with this asphalt shall contain between nine and one-half ($9\frac{1}{2}$) and twelve and one-half ($12\frac{1}{2}$) per cent. bitumen soluble in carbon di-sulphide, and at least eight (8) per cent. of the filler, depending upon the kind of sand used and the traffic conditions on the street on which it is to be laid.

The asphalt paving mixture shall never be of a temperature higher than three hundred and fifty (350) degrees F., nor lower than two hundred and fifty (250) degrees F. The temperature for this paving mixture will be regulated according to the temperature of the atmosphere and the working of the mixture.

WEARING SURFACE OF ASPHALT CEMENT, ROCK ASPHALT AND FILLER.

§ 16. Asphalt Cement—The asphalt cement must be manufactured only from such materials as are described in the specifications for the different asphalts herein described. It must have a penetration between thirty (30) and fifty (50) when tested at seventy-seven (77) degrees F. (Dow machine).

The asphalt must never be heated to a temperature above three hundred and fifty (350) degrees F., after it has been brought to the proper consistency for paving. When this asphalt cement is in a molten condition it must be thoroughly agitated before drawing from storage, and while in use in the supply kettles, so as to insure a uniform cement.

Rock Asphalt—The rock asphalt must be ground so that its mineral aggregate, after being freed from the bitumen, shall all pass a 6 mesh screen.

Filler—The filler used in this wearing surface shall be the same as already specified in Section 10. The paving mixture shall contain from five (5) to fifteen (15) per cent. of this filler, depending upon the kind of rock asphalt and asphalt cement used, and the traffic conditions upon the street upon which it is to be laid.

The material complying with the above specifications shall be mixed in such proportions by weight that the resulting mixture will contain between nine and one-half ($9\frac{1}{2}$) and twelve and one half ($12\frac{1}{2}$) per cent. bitumen, soluble in carbon di-sulphide, the bitumen extracted from this mixture shall comply with the following requirements:

(1) It must be of such a character that when brought to a cement of ten (10) penetration at thirty-two (32) degrees F., it will not show a penetration of more than four hundred (400) at one-hundred-fifteen (115) degrees F.

(2) When the pure bitumen of the asphalt cement is made into briquette having a cross section of one square centimeter, it must stretch to a distance of thirty (30) centimeters or over, without breaking, when tested for ductility at seventy-seven (77) degrees F.

(3) When the asphalt cement is heated in an open tin at a temperature of three hundred (300) degrees F., for eighteen (18) hours, in a hot-air oven, it must not show a loss by volatilization of over five (5) per cent.

(The above enumerated physical properties shall be determined by uniform methods, descriptions of which are on file in the office of the City Engineer.)

If the proportions of this mixture are varied in any manner from those specified, the mixture shall be condemned, its use shall not be permitted, and if already placed on the streets, it shall be removed and replaced by proper materials at the expense of the contractor.

The ground asphalt rock and asphalt cement shall be heated separately to a temperature of never over three-hundred-fifty (350) degrees F. The filler shall be added while cold to the hot asphalt rock, in the required proportions, and the two thoroughly mixed, unless the Board of Public Works shall in the plans and specifications required by Kentucky Statutes, Section 2829, provide that the filler may be added to the ground asphalt rock before the ground asphalt rock is heated to three-hundred-fifty (350) degrees F., as above required. The asphalt cement at the required temperature, and in the proper proportions shall then be added, and the mixing continued in a suitable apparatus until a homogeneous mixture is procured.

Samples of all materials entering into the composition of the pavement shall be supplied to the Engineer or his representatives, in suitable tin boxes and cans, and he shall have access to all branches of the work at any time.

The paving mixture prepared in the manner above described shall be brought to the street in carts at a temperature between two-hundred-twenty-five (225) degrees and three-hundred-twenty-five (325) degrees F., and if the temperature of the air is less than sixty (60) degrees F., the contractor must provide canvas covers for use in transit. It shall at once be properly spread by means of hot iron rakes, in such a manner as to give a uniform and regular grade, so that, after having received its full compression by rolling, it will have a thickness of not less than one and one-half inches (if laid without binder, two and one-half (2½) inches.) The surface shall then be compressed by rolling with light rollers and tamping, after which a small amount of cement shall be swept over it, and it shall then be thoroughly compressed by a steam roller weighing not less than one-hundred-seventy-five (175) pounds to the inch tread, the rolling being continued for not less than five hours for every thousand square yards of surface.

§ 17. The binder course provided for in Section 8 may be omitted under the following conditions: That all clauses of these specifications shall be in full force for all conditions of construction other than the quantity of wearing surface to be used, which surface, after having received its ultimate compression, shall be not less than two and one-half (2½) inches

in thickness, to be tested as set forth in Section 11. The contractor shall, before signing his contract, elect whether a binder shall or shall not be used. This election shall be signified in writing to the Board of Public Works, and shall be specified in the contract, before the same is signed.

OTHER ASPHALTS THAN THOSE SPECIFICALLY NAMED.

§ 18. If asphalt other than those heretofore named or described be used, it shall be of like quality and equal character to some one of the asphalts herein described, and shall be MIXED AND LAID according to the specifications herein prescribed for the asphalt to which it is similar and equal.

STREET RAILROADS.

§ 19. When on any street to be improved there is a street railroad track or tracks, the rails, ties, stringers and all property of the street railroad company shall be taken up by and at the cost of said company; if necessary to remove any material it must be so removed, which necessity is to be determined by the Board of Public Works. And when the sub-grade is completed, the rails, ties, stringers, etc., shall be put in place to confirm to lines and grades of improved street section, as shown on plans in the office of the Board of Public Works. All cost of labor and construction pertaining to the street railroad shall be at the cost of the railroad company. When a street railroad company has obtained the privilege of constructing railroad tracks on any new street by resolution or ordinance from the General Council or by legislative enactment, said railroad company shall construct its tracks according to plans on file in the office of the Board of Public Works, during the construction of said new street at the cost of the said railroad company, as set forth in this section.

MATERIAL AND INSPECTION.

§ 20. All the material herein specified shall be of the best description, each in its class. All material, asphalt, bituminous rock, stone, sand or gravel, which may be rejected on inspection, shall be removed by the contractor without delay; and all broken stone used in paving shall be broken and prepared for inspection before the delivery on the work.

§ 21. The contractor shall prosecute his work in a prompt and orderly manner, and when required by the Board of Public Works shall discharge incompetent employes or workmen.

§ 22. Should the contractor fail to execute the work in time stipulated, he shall forfeit his contract and be entitled to no pay for the work done. The time fixed for its completion may be extended by the Board of Public Works for causes deemed sufficient by it.

§ 23. Inspection of the work shall be made by the Board of Public Works, or authorized deputy, during its progress, and if the contractor does not perform his work according to these specifications the Board of Public Works, or its deputy, will suspend the work at once, and report the reason for said suspension to the Mayor and General Council.

§ 24. The contractor shall guarantee the faithful performance of the work done under his contract, according to these specifications, and that the materials used in the construction of same are free from defects or flaws; and shall be for a period of five (5) years after the acceptance of the work by the Board of Public Works or its deputy.

The said board shall be the exclusive judge of the existence of defects in the work herein mentioned, and of the extent of renewal necessary to remedy such defects, and the appointment of inspectors by said board for the supervision of the work, to insure that the same is in accordance with plans and specifications, or with the contract therefor, and the supervision thereof by such inspector or inspectors shall in no wise relieve the contractor from the guarantee of his work as herein set forth.

The contractor and his sureties shall enter into a written contract with the city, covenanting that they will pay all damages for injuries to or encroachments upon the private property of abutting lot owners, or other persons, in constructing the improvements herein mentioned, and will save the city harmless from all loss or damage on that account, and that the contractor and his sureties shall, in no event, be released from such liability, unless the injury to private property was done by the contractor and in pursuance to the express written order of said board.

§ 25. An ordinance entitled "An ordinance prescribing the general specifications and the manner of constructing and reconstructing public ways with asphalt pavement," approved January 29, 1901, and all other ordinances and parts of ordinances in conflict herewith are hereby repealed.

§ 26. This ordinance shall take effect from and after its passage.

Approved May 5, 1908.

*Repealed by ordinance approved
Dec. 1, 1908. See page 806.*

PUBLIC WAYS.**Cellar Doors.**

AN ORDINANCE regulating the use of public ways for cellar doors.

Be it ordained by the General Council of the city of Louisville:

It shall be unlawful for any person to permit his cellar door or celay-way, on any public way in said city, to be left open at any time. It shall be unlawful for any person to permit any cellar door, cellar-way, or grating to any vault, or in any public way in said city, belonging to premises owned or occupied by him, to be in an insecure condition, or in such condition as to endanger passers-by. It shall be unlawful for any person to place, keep, or maintain on any sidewalk, street, or alley, any cellar door, cellar-way, or steps leading into any cellar door or cellar-way that is otherwise than level with the adjoining pavement, and that extends more than four feet from the line of the adjoining lot. All cellars shall be kept dry and well aired, and free from standing water, putrifying and noxious vapors and smells, and during the months of June, July, August and September, well sprinkled with lime or some other disinfectant, when necessary. Any person violating any provision of this ordinance shall be fined not less than five nor more than twenty dollars for each offense.

Approved May 9, 1871.

PUBLIC WAYS.

AN ORDINANCE regulating the use of public ways in the city of Louisville.

Be it ordained by the General Council of the city of Louisville:

§ 1. That it shall be unlawful for any person, firm, or corporation to place or maintain any vehicle of any kind upon or over any sidewalk or any part of any sidewalk.

§ 2. It shall be unlawful for any person, firm, or corporation to lead, ride, or drive, or place any beast of burden or vehicle on or over any sidewalk, otherwise than in going to or from the premises occupied or owned by such person, firm, or corporation, or another, and then only at such time, and in such

way and manner, as will not interrupt or inconvenience the traveling public.

§ 3. It shall be unlawful for any person, firm, or corporation to use or occupy any part of any sidewalk, street, alley, or public way in shoeing or trying to shoe a horse or other animal, or for the purpose of heating or putting on wheel tires, or burning or destroying any waste or refuse matter of any kind.

§ 4. It shall be unlawful for any person, firm, or corporation to erect, keep, or maintain upon or over any sidewalk, street, alley, or public way within the corporate limits of the city of Louisville, or upon or over any part of such sidewalk, street, or alley, or public way, any house, fence, wall, building, or structure of any kind, or any post, rail, or other things that may in any way obstruct, either total or partial, such street, alley, or sidewalk, or that may in any way prevent or impede the full and free use by the public of such entire sidewalk, street, alley, or public way.

§ 5. It shall be unlawful for any person, firm, or corporation to inclose in any manner, either totally or partially, any sidewalk, street, alley, public way, or any part of any sidewalk, street, alley, or public way, with any fence, wall, or other structure, or in any manner whatever, except as may be provided by ordinance.

§ 6. It shall be unlawful for any person, firm, or corporation to place, keep, or maintain on any sidewalk, street, alley, or public way any wood, coal, lime, sand, brick, stone, lumber, or anything whatever, except as herein provided.

§ 7. It shall be unlawful for any person, firm, or corporation to dig, break, displace, injure, or interrupt in any manner any pavement, sidewalk, curbing, street, alley, or public way, except in making improvements to adjoining lots, or for public purposes.

§ 8. Whoever shall dig or displace, injure or interrupt any part of any sidewalk, pavement, street, or alley, or public way, or curbing, in making improvements in or upon adjoining lots, or for public purposes, shall replace the same in its original condition within twenty-four hours after the completion of the work.

§ 9. Any person, firm, or corporation engaged in doing, or causing to be done, any work which makes it necessary for bricks, stone, dirt, sand, gravel, vessels, or other litter, or thing to be placed in or on any sidewalk, shall remove the same, together with all litter or refuse matter caused by the work, or which may not have been used, within twenty-four hours after completion of the work.

§ 10. Any person, firm, or corporation engaged in doing or causing to be done, any work which makes it necessary for

bricks, stone, dirt, sand, gravel, vessels, or other litter, or anything to be placed in or on any street, alley, or public way, shall remove the same, together with all litter or other substance or refuse matter remaining after said work is completed, within three days after the completion of the work.

§ 11. It shall be unlawful for any person, firm, or corporation to use any sidewalk, or street, or alley, either in whole or in part, for the purpose of vending any article whatever, or conducting any business, occupation, or trade, or advertising any business, occupation, or trade.

§ 12. It shall be unlawful for any person, firm, or corporation to throw, pour, or permit, or cause to be run over any sidewalk, street, or alley, or any part thereof, any slop, refuse matter of any kind, filthy or hot water, steam water of any kind, impure liquids, or liquids or offal of any kind, or to permit any person in his, her, their, or its employ to do so.

§ 13. It shall be unlawful for any person, firm, or corporation to place or throw on any sidewalk any filth, waste, or refuse matter, or offal of any kind, or any orange-peel, banana-peel, or the peel, skin, or rind of any other fruit, vegetable, or things, or permit any one in his, her, their, or its employ to do so.

§ 14. It shall be unlawful for any person, firm, or corporation to leave any vehicle, or any other thing that may be a nuisance or obstruction, or hindrance in or upon any street, or alley, or sidewalk within the city, either during the day or night.

§ 15. For the purpose of erecting houses or other improvements on lots adjacent to any street, sidewalk, or alley, no person, firm, or corporation shall use more than one-third of the width of said street fronting said improvement for material for making and conducting said improvement, but no material or substance of any kind shall be placed or allowed to fall or remain in the gutter of such street, such use of the street to be temporary and until such improvement shall have been completed, and such improvement shall be completed without unnecessary delay. When such houses, structures, or improvements described in this section shall extend above one story, it shall be the duty of the builders, architect, and owner to erect a temporary shed or structure over the entire sidewalk adjacent to which such improvement is being made, with a roof of sufficient strength to resist the force of all material which may fall from the walls of such improvement as the work progresses, which will protect those passing along such sidewalk. Such shed or structure so erected for the protection of those passing along and over said sidewalk shall be so erected as not to interfere with or obstruct public travel, and not to injure the street,

curbing, guttering, or sidewalk, and shall be removed within three days after the completion of said house or structure.

§ 16. Nothing in this ordinance shall be construed to prohibit the necessary temporary use of the sidewalks, by night or day, while actually shipping or receiving goods, wares, or merchandise of every kind, and for putting up coal, or other fuel, provided sufficient passway is left for pedestrians.

§ 17. It shall be unlawful to allow or permit the flow of water of any kind, from any drain or other pipes, in or upon any street, alley, or sidewalk, or public way during the making, repairing, or reconstruction of such street, alley, or sidewalk in such manner as to interfere with, retard, or interrupt such making, repairing, or reconstruction of such street, alley, or sidewalk.

§ 18. When any use of any street, sidewalk, alley or public way is made as allowed by law, all such obstructions shall be safely guarded in such manner, and with sufficient necessary red lights at night, as to protect all those traveling or passing upon such streets, alleys, sidewalks, or public ways, against injury from such obstruction.

§ 19. Any person, firm, or corporation violating any of the provisions of this ordinance shall be fined in any sum not less than five (\$5) dollars nor more than fifteen (\$15) dollars for each offense, and ten (\$10) dollars for every twenty-four hours over the time any person, firm or corporation who or which may cause or permit such unlawful obstruction of any kind to remain in or on any of the public ways, sidewalks, streets, or alleys of the city.

§ 20. All ordinances and resolutions in conflict herewith, or not in conformity herewith, are hereby repealed.

§ 21. An ordinance entitled "An ordinance to regulate the use of public ways," approved March 25, 1884, is hereby repealed.

§ 22. This ordinance shall take effect and be in force from and after its passage.

Approved September 16, 1895.

PUBLIC WAYS.**Concerning Growth of Weeds on Sidewalks and in Gutters.**

AN ORDINANCE relating to the growth of weeds and other vegetable matter in the sidewalks and gutters in the city of Louisville.

Be it ordained by the General Council of the city of Louisville:

§ 1. That it shall hereafter be unlawful for the owner or agent of ground fronting any of the public highways of the city of Louisville to permit any weeds or other vegetable matter to grow or remain in the sidewalk or gutter of the street in front of his property.

§ 2. It shall be the duty of the Board of Public Works to give notice of the violation of this ordinance to the owner of the property, or to the agent, if the property be in the hands of an agent, and if, after the expiration of five days, the nuisance be not abated, said owner or agent shall be fined not less than five dollars nor more than twenty-five dollars for each additional day the same remains unabated.

§ 3. All ordinances in conflict with this ordinance are repealed. This ordinance shall take effect from and after its publication.

Approved August 10, 1895.

PUBLIC WAYS.**Regulating the Use of by Steam Railroads.**

AN ORDINANCE regulating the use of public highways in the city of Louisville by steam railways.

Be it ordained by the General Council of the city of Louisville:

§ 1. That hereafter it shall be unlawful for any person or company, operating a steam railroad in the city of Louisville over or along any of the public highways of said city, to block or obstruct or occupy any crossings or intersections of any of said highways with locomotives or cars for a longer period than five minutes at any one time.

§ 2. For any violation of this ordinance the person or corporation so offending shall be fined not less than ten dollars nor more than twenty dollars for each offense.

§ 3. This ordinance shall take effect from and after its approval.

Approved September 16, 1895.

PUBLIC WAYS.

Injuries on to Persons and Property.

AN ORDINANCE to prevent injuries to persons and property by collisions on the public ways of the city of Louisville.

Be it ordained by the General Council of the city of Louisville:

§ 1. That any person who, while riding, driving, or propelling a bicycle, or other vehicle or instrument, or while engaged in any other method of locomotion, shall on a public way of the city of Louisville run against, over or into any other person, or bicycle, vehicle or other personal property in the possession and use of such other person in such manner as does or may do any injury or damage to such other person or property, and who shall not immediately stop to ascertain the extent of such injury or damage, and to render such assistance as may be needed, and shall refuse to give his or her true name and residence, or who shall give a false name or residence, when asked for by the person injured, or whose property is so injured, or by any other person in his or her behalf, shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than five dollars nor more than one hundred dollars for each offense.

§ 2. That this ordinance shall take effect from and after its passage.

Approved May 6, 1898.

PUBLIC WAYS.**Sidewalks—Notification to Owners.**

AN ORDINANCE to require the Board of Public Works to notify owners before reconstructing sidewalks.

Be it ordained by the General Council of the city of Louisville:

§ 1. It shall be the duty of the Board of Public Works, ten days before recommending to the General Council any ordinance for the reconstruction of any sidewalk within the city of Louisville, to send through the mails notice of said ordinance to the owner or agent of every lot abutting on such sidewalk, whose name may appear on the books of the City Assessor as the owner of said property.

§ 2. The failure of the owner or agent to receive said notice shall in no way invalidate any ordinance passed by the General Council, or any contract entered into by the Board of Public Works, for the reconstruction of sidewalks, nor in any way affect the liability of any such owner to pay his proportionate part of the cost of such reconstruction.

§ 3: This ordinance shall take effect from its passage.

Approved March 14, 1907.

PUBLIC WAYS.**Streets—Protection of Asphalt.**

AN ORDINANCE for the protection of asphalt streets in the city of Louisville.

Be it ordained by the General Council of the city of Louisville:

§ 1. That it shall hereafter be unlawful for any individual, firm or corporation to place, or cause to be placed, any lime, mortar, or any disintegrating substance, upon any asphalt street within the city of Louisville so that the same will come in contact with the asphalt surface thereof.

§ 2. It shall be unlawful for any individual, firm, or corporation to place, or cause to be placed, upon an asphalt pavement in the city of Louisville, heavy rocks, or timbers, or metals, or other heavy substances, by which the surface of said pavement may be defaced or injured.

§ 3. Any individual, firm, or corporation violating any of the provisions of this ordinance shall be fined not less than ten (\$10) dollars nor more than fifty (\$50) dollars.

§ 4. This ordinance shall take effect from and after its passage.

Approved August 28, 1905.

PUBLIC WAYS.

Streets—Protection of Curbing.

AN ORDINANCE to protect curbing in the streets of Louisville.

Be it ordained by the General Council of the city of Louisville:

§ 1. That hereafter it shall be unlawful for any person to drive or ride over or on any curb or curbing erected or placed around any grass plot, or place designated for grass plot, in any of the streets of the city of Louisville, or in any other manner to injure the same.

§ 2. Any violation of this ordinance to be punished by a fine of not less than five dollars nor more than fifty dollars.

Approved September 16, 1895.

PUBLIC WAYS.

Spitting Upon Sidewalks.

AN ORDINANCE forbidding spitting or expectorating upon the sidewalks, in public places and buildings, and in public vehicles and street railway cars.

WHEREAS, Spitting and expectorating upon the sidewalks and in public buildings and conveyances is offensive to the people visiting such buildings and using such vehicles, and it has been ascertained that frequently disease of a fatal character has been spread throughout the community by the germs arising from the sputum and spittle so deposited,

Be it ordained by the General Council of the city of Louisville:

§ 1. That it shall be unlawful for any person within the city of Louisville to spit, expectorate, deposit or place any sputum, spittle, saliva, phlegm, mucus or tobacco juice upon

the sidewalk of any street, avenue, public square or place in the city of Louisville, or upon the floor of any hall or stairway or any house which is used in common by the tenants thereof, or upon the floor of any hall, office or stairway of any hotel or lodging house which is used in common by the guests thereof, or upon the floor or stairway of any theater, store, factory, church, depot, railroad or street car station, or upon the floor, or stairway or any other part of any public building or upon the floor, platform or stairway of any ferryboat, railroad car, vehicle or other public conveyance, or upon the floor, stairs, platform or inside furnishings or any part of any street car which is used or runs upon any of the streets or highways of the city of Louisville.

The corporation or persons owning or having the management or control of any such building, store, factory, ferryboat, railroad car or other public conveyance, ferry house, depot, or station, station platform or stairs of any elevated railroad or other common carrier, are hereby required to keep permanently posted in each of said places such a number of notices forbidding spitting and expectorating as may be sufficient to call attention to the provisions of this section.

§ 2. Any person violating the terms and provisions of this ordinance shall, upon conviction thereof, be punished by a fine of not less than one dollar nor more than fifty dollars.

§ 3. That the ordinance entitled "An ordinance forbidding spitting or expectorating in public buildings and passenger cars," which became effective on May 21, 1897, be, and the same is hereby repealed.

§ 4. That this ordinance shall take effect from and after its passage.

Approved February 12, 1907.

PUBLIC WAYS.

Sidewalks—Protection of.

AN ORDINANCE for the protection of sidewalks in the city of Louisville.

Be it ordained by the General Council of the city of Louisville:

§ 1. That any person owning any land, or lot on any street within the city of Louisville, with sidewalks improved with brick or other material, where the ground is higher than the

sidewalk, in order to prevent the dirt or ground from caving or being washed upon the sidewalk, be and he is hereby required to erect a retaining wall of stone, wood, or other material; or in lieu thereof said ground can be graded to a slope the extent of one and one-half to one, and sodded, to be done under the direction and approval of the Board of Public Works.

§ 2. The said Board of Public Works shall examine the premises, and direct the owner or his agent, lessee, or occupant thereof, in writing, to erect the character and kind of wall required, or may permit the owner to grade and sod the same. Said work shall be completed within thirty days from the date of said notice.

§ 3. Any owner, lessee, agent, or occupant of such premises violating any of the provisions of this ordinance shall be fined not less than ten dollars nor more than twenty-five dollars for each offense, and each day's failure after the expiration of said notice shall constitute a separate offense.

§ 4. This ordinance shall be in force and effect from and after its passage.

Approved May 6, 1899.

PUBLIC WAYS.

Sidewalks—To Prevent Obstruction of.

AN ORDINANCE to prevent certain obstructions to sidewalks.

Be it ordained by the General Council of the city of Louisville:

§ 1. That hereafter it shall be unlawful for any person to permit or keep open any grating or cellar door or way in any sidewalk on any street, or thereby to prevent the free and unobstructed use by pedestrians of the entire sidewalk from the line of the property abutting on such street to the curb of the carriageway thereof, except for the time such opening into the sidewalk is being actually used for taking things into or out of the cellar or basement with which such openings shall communicate or be connected, and when such actual use ceases, the grating or cellar door in sidewalk shall be closed on a level with the sidewalk, and securely fastened by the person owning, occupying or using the same, so that pedestrians may safely and without obstruction use the full width of the sidewalk, including the space therein covered by such grating or cellar door or way.

§ 2. That any person who shall violate any provision of Section 1 of this ordinance shall be subject to a fine of not less

than five nor more than fifty dollars for each offense, and each hour such obstruction shall exist, or such opening or cellar door or way shall be allowed to remain open, when not in actual use as defined in Section 1 of this ordinance, shall constitute a separate offense.

§ 3. That this ordinance shall take effect from its passage.
Approved August 23, 1901.

PUBLIC WAYS.

To Prevent Earth and Dirt from Washing into.

AN ORDINANCE to prevent earth and dirt from washing or falling into the public ways of the city of Louisville.

Be it ordained by the General Council of the city of Louisville:

§ 1. It shall be the duty of every owner of any land or lot in the city of Louisville to prevent dirt and earth from washing or falling from such land or lot upon the paved carriageway of any street, alley or public way of the city of Louisville.

§ 2. In order to prevent any dirt or earth washing or falling from any land or lot upon any such paved carriageway as mentioned in Section 1, the owner is hereby required to erect a retaining wall of stone, wood or other material; or in lieu thereof said ground can be graded to a slope the extent of one and one-half to one, and sodded, to be done under the direction and approval of the Board of Public Works.

§ 3. The said Board of Public Works shall examine the premises and direct the owner or his agent, lessee or occupant thereof, in writing, to erect the character and kind of wall required, or may permit the owner to grade and sod the same. Said work shall be completed within thirty days from the date of said notice.

§ 4. Any owner, lessee, agent or occupant of such premises violating any of the provisions of this ordinance shall be fined not less than ten dollars nor more than twenty-five dollars for each offense, and each day's failure after the expiration of said notice shall constitute a separate offense.

§ 5. This ordinance shall be in force and effect from and after its passage.

Approved November 8, 1909.

PUBLIC WAYS.**“Rattler” Test for Bricks Used for.**

AN ORDINANCE providing the method of conducting “The Rattler” test for brick used in paving streets and alleys in the city of Louisville.

Be it ordained by the General Council of the city of Louisville:

§ 1. That the Board of Public Works is hereby authorized and directed to subject all brick to be hereafter used for paving streets or alleys in the city of Louisville to the following test, known as “The Rattler Test:”

§ 2. DIMENSIONS OF THE MACHINE—The standard machine shall be 28 inches in diameter and 20 inches in length, measured inside the rattling chamber.

Other machines may be used, varying in diameter between 26 and 30 inches, and in length from 18 to 24 inches, but if this is done, a record of it must be attached to the official report. Long rattlers must be cut up into sections of suitable length by the insertion of an iron diaphragm at the proper point.

§ 3. CONSTRUCTION OF THE MACHINE—The barrel may be driven by trunnions at one or both ends, or by rollers underneath, but in no case shall a shaft pass through the rattler chamber. The cross-section of the barrel shall be a regular polygon, having fourteen sides. The heads shall be composed of gray cast iron, not chilled nor case-hardened. The staves shall preferably be composed of steel plates, as cast iron peans and ultimately breaks under the wearing action on the inside. There shall be a space of one-fourth of an inch between the staves for the escape of dust and small pieces of waste.

Other machines may be used having from twelve to sixteen staves, with openings from one-eighth to three-eighths of an inch between staves, but if this is done a record of it must be attached to the official report of the test.

§ 4. COMPOSITION OF THE CHARGE—All tests must be executed on charges containing but one make of paving material at a time. The charge must be composed of brick to be tested and iron abrasive material. The brick charge shall consist of that number of whole bricks or blocks whose combined volume most nearly amount to 1,000 cubic inches, or 8 per cent. of the cubic contents of the rattling chamber. The abrasive charge shall consist of 300 pounds of shot made of ordinary machinery cast iron. This shot shall be of two sizes, as described below, and the shot charge shall be composed of one-

fourth (75 pounds) of the larger size and three-fourths (225 pounds) of the smaller size.

§ 5. SIZE OF THE SHOT—The larger size shall weigh about seven and one-half pounds and be about two and one-half inches square and four and one-half inches long, with slightly rounded edges. The smaller size shall be one and one-half inch cubes, weighing about seven-eighths of a pound each, with square corners and edges. The individual shot shall be replaced by new ones when they have lost one-tenth of their original weight.

§ 6. REVOLUTIONS OF THE CHARGE—The number of revolutions of the standard test shall be 1,800, and the speed of rotation shall not fall below 28 nor exceed 30 per minute. The belt power shall be sufficient to rotate the rattler at the same speed whether charged or empty.

§ 7. CONDITION OF THE CHARGE—The bricks composing a charge shall be thoroughly dried before making the test, and shall be taken from such stock on hand along the line of work intended for construction or repairs, as the case may be, and never from a sample lot, and said test shall be made in public.

§ 8. THE CALCULATION OF THE RESULTS—The loss shall be calculated in the percentage of the weight of the dry brick composing the charge, and no results shall be considered as official unless it is the average of two distinct and complete tests, made on separate charges of brick. No result shall be considered if a loss of more than 18 per cent. shall appear.

§ 9. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

§ 10. This ordinance shall take effect from and after its passage and publication.

Approved October 26, 1908.

RAILROAD.

AN ORDINANCE granting to the Kentucky & Indiana Bridge and Railroad Company the right to construct and operate a single or double track from the point of intersection with said company's track north of Dumesnil street, east of Beech street and west of what would be Hemlock street if extended, extending in a southwestwardly direction, along and diagonally across Dumesnil street and across Beech street at or near the point of its intersection with Dumesnil street; thence in a southwestwardly direction across a fourteen-foot alley west of Beech street and south of Dumesnil street; thence in the same general direction across Hazel street; thence westwardly along Forrest avenue across Thirty-second street and to the city limits, and across all intervening streets and alleys which may exist.

Be it ordained by the General Council of the city of Louisville:

§ 1. The Kentucky & Indiana Bridge and Railroad Company is hereby granted the right to construct and maintain a single or double track, beginning at a point of intersection with the tracks of said company north of Dumesnil street, east of Beech street and west of what would be Hemlock street if extended, and extending in a southwestwardly direction along and diagonally across Dumesnil street and diagonally across Beech street at or near the point of its intersection with Dumesnil street; thence, in a southwestwardly direction, across a fourteen-foot alley west of Beech street and south of Dumesnil street; thence, in the same general direction, across Hazel street; thence westwardly along Forrest avenue, across Thirty-second street and to the city limits, and across all intervening streets and alleys which may exist between the points named, as shown on blueprint attached hereto, and to operate, or cause to be operated, trains and cars over and along same. This grant shall be terminable at the pleasure of the General Council, and said track shall be subject to removal at any time at the direction of the General Council.

§ 2. The work of constructing said track shall be done at the expense of said Kentucky & Indiana Bridge and Railroad Company, under the supervision and according to the plans

therefor of the Board of Public Works. The spaces between the rails and for two feet on the outside thereof shall be kept in good repair, at the exclusive cost of said Kentucky & Indiana Bridge and Railroad Company, on the demand and under the supervision of said Board of Public Works. Before proceeding to construct the said track, so far as the same shall lie along or across public streets or alleys, or to repair same after it has been constructed, the Kentucky & Indiana Bridge and Railroad Company shall obtain from the Board of Public Works of the city of Louisville a permit to do the work in question, specifying the place where said work is to be done and the time when it expects to begin the same. Such work of construction or repair shall be done under the supervision of an employe of the Board of Public Works to be designated by the Board, and the Kentucky & Indiana Bridge and Railroad Company shall pay the Board of Public Works at the rate of three (\$3.00) dollars per day for each day of nine hours spent by such employe in such supervision.

§ 3. The said Kentucky & Indiana Bridge and Railroad Company shall indemnify and save harmless the city of Louisville against any claim for damages by any person by reason of the construction of said track, or the operation of cars thereon, or the failure to repair the said streets as aforesaid; and the acceptance of this ordinance by the construction of said track shall bind the said Kentucky & Indiana Bridge and Railroad Company, its successors and assigns, to the city of Louisville, for the performance of each undertaking or provision of this ordinance.

§ 4. Locomotives or cars shall not be permitted to stand in any of said streets or alleys longer than five minutes.

§ 5. For the violation of any provision of this ordinance by the Kentucky & Indiana Bridge and Railroad Company, or any of its officers, agents or employes, said company shall be subject to a fine of not less than five dollars nor more than one hundred dollars for each offense.

§ 6. This ordinance shall take effect from its passage.

Approved March 2, 1908.

RAILROAD.

AN ORDINANCE granting to the Pennsylvania Terminal Railway Company the right to construct and operate a sideling across Nineteenth street, 140 feet north of the north line of Howard street.

Be it ordained by the General Council of the city of Louisville:

§ 1. That the Pennsylvania Terminal Railway Company is hereby granted the right to construct and maintain and operate a sidetrack across Nineteenth street, 110 feet north of the north line of Howard street, said sidetrack to lead from a point sixty (60) feet east of the east line of Nineteenth street, thence west three hundred and seventy-three (373) feet to the east line of Twentieth street, as shown by blue print attached hereto, and to operate or cause to be operated trains and cars over and along the same. This grant shall be terminable at the pleasure of the General Council, and said track shall be subject to removal at any time at the direction of the General Council.

§ 2. The work of construction of said track shall be done at the expense of said Pennsylvania Terminal Railway Company under the supervision and according to the plans to be approved by the Board of Public Works. The spaces between the rails and for two feet outside thereof shall be kept in good repair at the exclusive cost of said Pennsylvania Terminal Railway Company on the demand and under the supervision of said Board of Public Works. Before proceeding to construct the said track, so far as the same shall cross Nineteenth street, or to repair same after it has been constructed, the Pennsylvania Terminal Railway Company shall obtain from the Board of Public Works of the city of Louisville a permit to do the work in question, specifying the plans, where said work is to be done and the time when the work is expected to begin. Such work of construction or repair shall be done under the supervision of an employe of the Board of Public Works to be designated by the board, and the Pennsylvania Terminal Railway Company shall pay the Board of Public Works at the rate of \$3 per day for each day of nine hours spent by said employe in such supervision.

§3. The said Pennsylvania Terminal Railway Company shall indemnify and save harmless the city of Louisville against any claim for damages by any person by reason of the construction of said track or operation of cars thereon, or the failure to repair the said streets as aforesaid, and the acceptance of this ordinance by the construction of said track shall bind the said

Pennsylvania Terminal Railway Company, its successors and assigns, to the city of Louisville for the performance of each undertaking or provision of this ordinance.

§ 4. Locomotives or cars shall not be permitted to stand across or in said street longer than five minutes.

§ 5. For the violation of any provision of this ordinance by the Pennsylvania Terminal Railway Company, or any of its officers, agents or employes, said company shall be subject to a fine of not less than \$25 or more than \$100 for each offense.

§ 6. This ordinance shall take effect from its passage.

Approved March 11, 1908.

RAILROAD.

AN ORDINANCE granting to the Kentucky and Indiana Bridge and Railroad Company the right to construct and operate a railroad switch from a point of connection with the tracks of said company at Thirtieth street north of the first alley north of Bismarck avenue, extending thence in a northeasterly direction across Thirtieth street and into the property of the Jefferson Wood Working Company, which is located on the east side of Thirtieth street, south of Grand avenue.

Be it ordained by the General Council of the city of Louisville:

§ 1. The Kentucky and Indiana Bridge and Railroad Company is hereby granted the right to construct and maintain a switch, beginning at a point of connection with the tracks of said railroad company in Thirtieth street, north of the first alley north of Bismarck avenue, extending thence in a northeasterly direction across Thirtieth street and into the property of the Jefferson Wood Working Company, which is located on the east side of Thirtieth street and south of Grand avenue, and to operate or cause to be operated trains and cars over and along same. This grant shall be terminable at the pleasure of the General Council, and the said track shall be subject to removal at any time at the direction of the General Council.

§ 2. The work of constructing said track shall be done at the expense of the Kentucky and Indiana Bridge and Railway Company, under the supervision and according to the plans therefor of the Board of Public Works. The space between

the rails and for two feet on the outside thereof shall be kept in good repair at the exclusive cost of the said railroad company, on demand and under the supervision of the Board of Public Works. Before proceeding to construct the said track, so far as same shall lie along or across Thirtieth street, or before proceeding to repair same after it has been constructed, the said railroad company shall obtain from the Board of Public Works of the city of Louisville a permit to do the work in question, specifying the place where said work is to be done, and the time when it expects to begin same. Such work of construction or repair shall be done under the supervision of an employe of the Board of Public Works, to be designated by the said board, and the said railroad company shall pay the city of Louisville at the rate of three dollars per day for each day of nine hours spent by such employe in such supervision.

§ 3. The said Kentucky and Indiana Bridge and Railroad Company shall indemnify and save harmless the city of Louisville against any claim for damages by any person by reason of the construction of said track, or the operation of cars thereon, or the failure to repair the said streets as aforesaid; and the acceptance of this ordinance by the construction of said track shall bind the said Kentucky and Indiana Bridge and Railroad Company, its successors and assigns, to the city of Louisville for the performance of each undertaking or provision of this ordinance.

§ 4. Locomotives or cars shall not be permitted to stand in any of said streets or alleys longer than five minutes.

§ 5. For the violation of any provision of this ordinance by the Kentucky and Indiana Bridge and Railroad Company, or any of its officers, agents or employes, said company shall be subject to a fine of not less than five dollars nor more than one hundred dollars for each offense.

§ 6. This ordinance shall take effect from its passage.

Approved May 5, 1908.

RAILROAD.

AN ORDINANCE granting to the Louisville Lighting Company the right to construct and operate a railroad switch, beginning at a point in the property of said company south of Magazine street, west of Fourteenth street and east of Fifteenth street, and extending thence in a southwestwardly direction across the twenty-foot alley known as Esquire alley, into the property owned by said company on the south side thereof.

Be it ordained by the General Council of the city of Louisville.

§ 1. The Louisville Lighting Company is hereby granted the right to construct and maintain a railroad switch, beginning at a point in the property of said company south of Magazine street, west of Fourteenth street and east of Fifteenth street, and extending in a southwestwardly direction across the twenty-foot alley known as Esquire alley, into the property owned by said company on the south side thereof (said alley being in the block bounded by Magazine street on the north, by Broadway on the south, by Fourteenth street on the east, and by Fifteenth street on the west); and to operate or cause to be operated engines, trains and cars over and along same. This grant shall be terminable at any time at the pleasure of the General Council upon the recommendation of the Board of Public Works, and said track shall be subject to removal at any time upon the direction of said Council, upon recommendation of said board.

§ 2. The work of constructing said track shall be done at the expense of the Louisville Lighting Company, under the supervision and according to the plans therefor of the Board of Public Works. The space between the rails and for two feet on the outside thereof shall be kept in good repair and reconstructed from time to time at the exclusive cost of the said company, on demand and under the supervision of the Board of Public Works. Before proceeding to construct the said track, so far as same shall lie along or across said alley, or before proceeding to repair or reconstruct same after it has been constructed, the said company shall obtain from the Board of Public Works of the city of Louisville a permit to do the work in question, specifying the place where said work is to be done and the time when it expects to begin same. Such work of construction, reconstruction or repair shall be done under the supervision of an employe of the Board of Public Works, to be

designated by the said board, and the said company shall pay the city of Louisville at the rate of three dollars per day for each day of nine hours spent by such employe in such supervision. If the said alley should be reconstructed by the city of Louisville, the Louisville Lighting Company shall relay its track at its own expense so as to conform to said alley as reconstructed, and shall pay the cost of the reconstruction of that part of the alley between the rails and for two feet on the outside of each rail.

§ 3. The said Louisville Lighting Company shall indemnify and save harmless the city of Louisville against any claim for damages by any person by reason of the construction of said track or the operation of cars thereon, or the failure to repair the said streets as aforesaid; and the acceptance of this ordinance by the construction of said track shall bind the said company, its successors and assigns, to the city of Louisville, for the performance of each undertaking or provision of this ordinance.

§ 4. Engines or cars shall not be permitted to stand in said alley longer than five minutes.

§ 5. For the violation of any provision of this ordinance by the Louisville Lighting Company, or any of its officers, agents or employes, said company shall be subject to a fine of not less than five dollars nor more than one hundred dollars for each offense.

§ 6. This ordinance shall take effect from its passage.

Approved July 8, 1908.

RAILROAD.

AN ORDINANCE granting to the Pennsylvania Terminal Railway Company, its successors and assigns, the right to construct, maintain and operate a sidetrack across the alley between Clark and Twenty-fourth streets one hundred and forty (140) feet south of Maple street and parallel thereto, and also alley between Clark and Twenty-fourth streets one hundred and twenty (120) feet west of Clark avenue and parallel thereto.

Be it ordained by the General Council of the city of Louisville:

§ 1. That the Pennsylvania Terminal Railway Company is hereby granted the right to construct, maintain and operate a sidetrack across the alley between Clark and Twenty-fourth

streets one hundred and forty (140) feet south of Maple street and parallel thereto, and also the alley between Clark and Twenty-fourth streets one hundred and twenty (120) feet west of Clark avenue and parallel thereto, said sidetrack to lead from the existing Arbegust-street track of the said Pennsylvania Terminal Railway Company at a point eighty (80) feet west of the west line of Clark street and extending northwestwardly, and northwardly across the alleys hereinbefore mentioned, and terminating at or near the south line of Maple street ten (10) feet east of the east line of Twenty-fourth street, as shown on the blue print attached hereto, and to operate or cause to be operated, trains or cars over and along the same. This ordinance shall be terminable by the General Council upon the recommendation of the Board of Public Works, and said sidetrack shall be subject to removal at any time at the direction of the General Council upon recommendation of said board.

§ 2. The work of construction of said track shall be done at the expense of said Pennsylvania Terminal Railway Company under the supervision and according to the plans to be approved by the Board of Public Works. The spaces between the rails and for two feet on the outside thereof, over any public way over which said track passes, shall be kept in good repair and reconstructed from time to time at the exclusive cost of said Pennsylvania Terminal Railway Company on the demand and under the supervision of the said Board of Public Works. Before proceeding to construct the said track, so far as the same shall lie in or across any public way, or to repair same after it has been constructed, the Pennsylvania Railway Terminal Company shall obtain from the Board of Public Works of the city of Louisville a permit to do the work in question, specifying the place where said work is to be done, and the time when the work is expected to begin. Such work of construction, reconstruction or repair shall be done under supervision of an employe of the Board of Public Works to be designated by the board, and the Pennsylvania Terminal Railway Company shall pay the Board of Public Works at the rate of \$3.00 per day for each day of nine hours spent by said employe in such supervision.

§ 3. The said Pennsylvania Terminal Railway Company shall indemnify and save harmless the city of Louisville against any claim for damage to any person by reason of the construction of said track or operation of cars thereon, or the failure to repair the said public ways as aforesaid, and the acceptance of this ordinance by the construction of said track shall bind the said Pennsylvania Terminal Railway Company, its successors and assigns, to the city of Louisville for the performance of each undertaking or provision of this ordinance.

§ 4. Locomotives or cars shall not pass over said track at a rate of speed exceeding eight (8) miles per hour, nor shall locomotives or cars be permitted to stand in any street or public way longer than five minutes.

§ 5. For the violation of any provision of this ordinance by the Pennsylvania Terminal Railway Company, or any of its officers, agents or employes, said company shall be subject to a fine of not less than twenty-five (\$25.00) dollars, or more than one hundred (\$100.00) dollars for each offense.

§ 6. This ordinance shall take effect from and after its passage.

Approved July 13, 1908.

RAILROAD.

AN ORDINANCE granting to the Kentucky & Indiana Bridge and Railroad Company, its successors and assigns, the right to construct, maintain and operate connecting railroad tracks or switches and cars thereon. Track No. 1, beginning at a point 210 feet west of the west line of Thirty-second street, in a thirty-foot alley, between Missouri avenue and the Ohio river, and running thence in said alley, west across Thirty-third, Thirty-fourth, Thirty-fifth, Thirty-sixth and Thirty-seventh streets to a point directly in the west line of Thirty-seventh street, a total distance of two thousand three hundred and eighty-five (2,385) feet; and Track No. 2, beginning at a point on Track No. 1, in a thirty-foot alley, directly in the west line of Thirty-fifth street and running thence west in said alley and parallel with Track No. 1, across Thirty-sixth street to a point one hundred and thirty-three (133) feet east of the east line of Thirty-seventh street, and connecting with Track No. 1, a total distance of seven hundred and ninety-five (795) feet.

Be it ordained by the General Council of the city of Louisville:

§ 1. That the Kentucky & Indiana Bridge and Railroad Company and its successors and assigns, be and is hereby

granted the right to construct, maintain and operate connecting railroad tracks or switches and cars thereon. Track No. 1, beginning at a point two hundred and ten (210) feet west of the west line of Thirty-second street, in a thirty-foot alley, between Missouri avenue and the Ohio river, and running thence in said alley west across Thirty-third, Thirty-fourth, Thirty-fifth, Thirty-sixth and Thirty-seventh streets to a point directly in the west line of Thirty-seventh street, a total distance of two thousand three hundred and eighty-five (2,385) feet; and Track No. 2, beginning at a point on Track No. 1, in a thirty-foot alley between Missouri avenue and the Ohio river, directly in the west line of Thirty-fifth street and running thence west in said alley and parallel with Track No. 1, across Thirty-sixth street to a point one hundred and thirty-three (133) feet east of the east line of Thirty-seventh street, and connecting with Track No. 1, a total distance of seven hundred and ninety-five (795) feet, as per map attached. This grant shall be terminable by the General Council upon the recommendation of the Board of Public Works, and said track shall be subject to removal at any time at the direction of the Council, upon recommendation of said board.

§ 2. The work of constructing said tracks shall be done at the expense of said Kentucky & Indiana Bridge and Railroad Company, under the supervision and according to the plans therefor of the Board of Public Works. The space between the rails and for two feet on the outside thereof of any public way over which said tracks pass shall be kept in good repair and reconstructed from time to time at the exclusive cost of said Kentucky & Indiana Bridge and Railroad Company, on the demand and under the supervision of said Board of Public Works. Before proceeding to construct the said tracks so far as the same lie along or across any public way, or to repair or reconstruct same after it has been constructed, the Kentucky & Indiana Bridge and Railroad Company shall obtain from the Board of Public Works of the city of Louisville a permit to do the work in question, specifying the place where said work is to be done and the time when it is expected to begin the same. Such work of construction, reconstruction or repairs shall be done under the supervision of an employe of the Board of Public Works, to be designated by the board, and the Kentucky & Indiana Bridge and Railroad Company shall pay the Board of Public Works at the rate of three (\$3.00) dollars per day for each day of nine hours spent by said employe in such supervision.

§ 3. The said Kentucky & Indiana Bridge and Railroad Company shall indemnify and save harmless the city of Louisville against any claim for damages to any person by reason

of the construction of said tracks or the operation of cars thereon, or the failure to repair the pavement of said public ways as aforesaid, and the acceptance of this ordinance by the construction of said tracks shall bind the Kentucky & Indiana Bridge and Railroad Company, its successors and assigns, to the city of Louisville for performance of each condition or provision of this ordinance.

§ 4. Locomotives or cars shall not pass over said tracks at a rate of speed exceeding eight miles per hour, nor shall locomotives or cars be permitted to stand in any street longer than five minutes.

§ 5. For violation of any provision of this ordinance by the Kentucky & Indiana Bridge and Railroad Company, or any of its officers, agents or employes, said company shall be subject to a fine of not less than \$25.00 nor more than \$100.00 for each offense.

§ 6. This ordinance shall take effect from and after its passage.

Approved August 22, 1908.

RAILROAD.

AN ORDINANCE granting to the Kentucky & Indiana Bridge and Railroad Company the right to construct, operate and maintain a railroad switch from a point of connection with the tracks of said company on Magnolia avenue, said switch to run (west) parallel with the track for such a distance as is necessary, stopping at the corner of the property of the Southern Veneer Company, at Magnolia avenue and Twenty-first street.

Be it ordained by the General Council of the city of Louisville:

§ 1. The Kentucky & Indiana Bridge and Railroad Company is hereby granted the right to construct, operate and maintain a railroad switch, beginning at a point of connection with the tracks of said railroad company on Magnolia avenue, west toward Twenty-first street, just outside the property line of the Southern Veneer Company, which is located south of Magnolia and west of Twenty-first street, and to operate or cause to be operated trains and cars over and along same. This grant shall be terminable at the pleasure of the General Council,

upon recommendation of the Board of Public Works, and the said track shall be subject to removal at any time at the discretion of the General Council upon recommendation of the Board of Public Works.

§ 2. The work of constructing said track shall be done at the expense of the Kentucky & Indiana Bridge and Railroad Company, under the supervision and according to the plans to be approved by the Board of Public Works. The space between the rails and for two feet on the outside thereof shall be kept in good repair at the exclusive cost of the said railroad company, on demand and under the supervision of the Board of Public Works. Before proceeding to construct the said track, so far as same shall lie along or across Magnolia avenue, or before proceeding to repair same after it has been constructed, the said railroad company shall obtain from the Board of Public Works of the city of Louisville a permit to do the work in question, specifying the place where said work is to be done and the time when it expects to begin same. Such work of construction, reconstruction or repair shall be done under the supervision of an employe of the Board of Public Works, to be designated by the said board, and the said railroad company shall pay the city of Louisville at the rate of three dollars per day for each day of nine hours spent by such employe in such supervision.

§ 3. The said Kentucky & Indiana Bridge and Railroad Company shall indemnify and save harmless the city of Louisville against any claim for damages by any person by reason of the construction of said track, or the operation of cars thereon, or the failure to repair the said public ways as aforesaid; and the acceptance of this ordinance by the construction of said track shall bind the said Kentucky & Indiana Bridge and Railroad Company, its successors and assigns, to the city of Louisville for the performance of each undertaking or provision of this ordinance.

§ 4. Locomotives or cars shall not be permitted to stand in any of said streets or alleys longer than five minutes, nor pass over said track at a rate of speed exceeding eight (8) miles per hour.

§ 5. For the violation of any provision of this ordinance by the Kentucky & Indiana Bridge and Railroad Company, or any of its officers, agents or employes, said company shall be subject to a fine of not less than twenty-five nor more than one hundred dollars for each offense.

§ 6. This ordinance shall take effect from its passage.

Approved September 17, 1908.

RAILROAD.

AN ORDINANCE granting to the Louisville & Nashville Railroad Company, its successors and assigns, the right to construct, maintain and operate a sidetrack, for railroad use, across the alley, which runs parallel to Lee street, and between Lee and Bloom streets and Floyd and Brook streets, in the city of Louisville, Ky., at the point where the west line of the Louisville & Nashville Railroad Company's right of way crosses the said alley.

Be it ordained by the General Council of the city of Louisville:

§ 1. The Louisville & Nashville Railway Company is hereby granted the right to construct, maintain and operate a sidetrack for the railroad's use, across the alley which runs east and west between Floyd and Brook streets and between Lee and Bloom streets, in the city of Louisville, Ky., at the point where the west line of the Louisville & Nashville Railroad Company's right of way intersects the said alley, said sidetrack to lead from the existing sidetrack, which runs from the north line of Bloom street to the said alley, and to extend thence northwardly across the said alley and over the property of Frank Alford and William J. Riedling, to a point south of Lee street, as shown on the blue print attached hereto, and to operate, or cause to be operated, trains or cars over and along the same. This ordinance shall be terminable by the General Council upon the recommendation of the Board of Public Works, and said sidetrack shall be subject to removal at any time at the direction of the General Council upon recommendation of the Board of Public Works.

§ 2. The work of construction of said track shall be done at the expense of said Louisville & Nashville Railroad Company under the supervision and according to the plans to be approved by the Board of Public Works. The spaces between the rails and for two feet on the outside thereof, over any public way over which said track passes, shall be kept in good repair and reconstructed from time to time at the exclusive cost of said Louisville & Nashville Railroad Company on the demand and under the supervision of the said Board of Public Works. Before proceeding to construct the said track, so far as the same shall lie in or across any public way, or to repair same after it has been constructed, the Louisville & Nashville

Railroad Company shall obtain from the Board of Public Works of the city of Louisville a permit to do the work in question, specifying the place where said work is to be done, and the time when the work is expected to begin. Such work of construction, reconstruction or repair shall be done under the supervision of an employe of the Board of Public Works to be designated by the board, and the Louisville & Nashville Railroad Company shall pay the Board of Public Works at the rate of \$3.00 per day for each day of nine hours spent by said employe in such supervision.

§ 3. The said Louisville & Nashville Railroad Company shall indemnify and save harmless the city of Louisville against any claim for damage to any person by reason of the construction of said track or operation of cars thereon, or the failure to repair the said public ways as aforesaid, and the acceptance of this ordinance by the construction of said track shall bind the said Louisville & Nashville Railroad Company, its successors and assigns to the city of Louisville for the performance of each undertaking of this ordinance.

§ 4. Locomotives or cars shall not pass over said track at a rate of speed exceeding eight (8) miles per hour, nor shall locomotives or cars be permitted to stand in any street or public way longer than five minutes.

§ 5. For the violation of any provision of this ordinance by the Louisville & Nashville Railroad Company, or any of its officers, agents or employes, said company shall be subject to a fine of not less than twenty-five (\$25.00) dollars or more than one hundred (\$100.00) dollars for each offense.

§ 6. This ordinance shall take effect from and after its passage.

Approved October 12, 1908.

RAILROAD.

AN ORDINANCE granting to the Pennsylvania Railroad Company the right to construct, operate and maintain a railroad switch from a point of connection with the tracks of said company on Twenty-fourth street and Midway avenue and Maple and Howard, said switch to run (west) parallel with the track for such a distance as is necessary, stopping at the corner of Midway avenue and Howard street.

Be it ordained by the General Council of the city of Louisville:

§ 1. The Pennsylvania Railroad Company is hereby granted the right to construct, operate and maintain a railroad switch, beginning at a point of connection with the tracks of said railroad company at Midway avenue and Howard street.

This grant shall be terminable at the pleasure of the General Council upon recommendation of the Board of Public Works, and the said track shall be subject to removal at any time at the direction of the General Council upon recommendation of the Board of Public Works.

§ 2. The work of constructing said track shall be done at the expense of the Pennsylvania Railroad Company, under the supervision and according to the plans to be approved by the Board of Public Works. The space between the rails and for two feet on the outside thereof shall be kept in good repair at the exclusive cost of the said railroad company on demand and under the supervision of the Board of Public Works. Before proceeding to construct the said track, so far as same shall lie along or across Midway avenue, or before proceeding to repair same after it has been constructed, the said railroad company shall obtain from the Board of Public Works of the city of Louisville a permit to do the work in question, specifying the place where said work is to be done and the time when it expects to begin same. Such work of construction, reconstruction or repair shall be done under the supervision of an employe of the Board of Public Works, to be designated by the said board, and the said railroad company shall pay the city of Louisville at the rate of \$3 per day for each day of nine hours spent by such employe in such supervision.

§ 3. The said Pennsylvania Railroad Company shall indemnify and save harmless the city of Louisville against any claim for damages by any person by reason of the construction

RAILROAD.

of said track, or the operation of cars thereon, or the failure to repair the said public ways as aforesaid; and the acceptance of this ordinance by the construction of said track shall bind the said Pennsylvania Railroad Company, its successors and assigns, to the city of Louisville for the performance of each undertaking or provision of this ordinance.

§ 4. Locomotives or cars shall not be permitted to stand in any of said streets or alleys longer than five minutes, nor pass over said track at a rate of speed exceeding eight (8) miles per hour.

§ 5. For the violation of any provision of this ordinance by the Pennsylvania Railroad Company or any of its officers, agents or employes, said company shall be subject to a fine not less than twenty-five nor more than one hundred dollars for each offense.

§ 6. This ordinance shall take effect from its passage.

Approved January 25, 1909.

RAILROAD.

AN ORDINANCE granting to the Southern Railway Company in Kentucky, its successors and assigns, the right to construct, maintain and operate a sidetrack across Davies avenue from the present sidetrack No. 2 of the said Southern Railway Company in Kentucky across said avenue into the property leased by H. A. McCowen & Co.

Be it ordained by the General Council of the city of Louisville:

§ 1. That the Southern Railway Company in Kentucky is hereby granted the right to construct, maintain and operate a sidetrack across Davies avenue in the city of Louisville, said track to lead from the existing sidetrack No. 2 of the said Southern Railway Company in Kentucky at a point about eighty (80) feet from Mix avenue, and extending into the property leased by H. A. McCowen & Co. seven hundred and seventy (770) feet as shown by the blue print attached hereto, and to operate or cause to be operated, trains or cars over and along the same. This ordinance shall be terminable by the General Council upon the recommendation of the Board of

Public Works, and said sidetrack shall be subject to removal at any time at the direction of the General Council upon recommendation of said board.

§ 2. The work of construction of said track shall be done at the expense of the said Southern Railway Company in Kentucky, under the supervision and according to the plans to be approved by the Board of Public Works. The spaces between the rails and for two feet on the outside thereof, over any public way over which said track passes, shall be kept in good repair and reconstructed from time to time to the exclusive cost of said Southern Railway Company in Kentucky on the demand and under the supervision of the Board of Public Works. Before proceeding to construct the said track, so far as the same shall lie in or across any public way, or to repair same after it has been constructed, the Southern Railway Company in Kentucky shall obtain from the Board of Public Works of the city of Louisville a permit to do the work in question, specifying the place where said work is to be done, and the time when the work is expected to begin. Such work of construction, or repair, shall be done under the supervision of an employe of the Board of Public Works to be designated by the board, and the Southern Railway Company in Kentucky shall pay the Board of Public Works at the rate of \$— per day for each day of nine hours spent by said employe in such supervision.

§ 3. The said Southern Railway Company in Kentucky shall indemnify and save harmless the city of Louisville against any claim for damages to any person by reason of the construction of said track or operation of cars thereon, or the failure to repair the said public ways as aforesaid, and the acceptance of this ordinance by the construction of said track shall bind the said Southern Railway Company in Kentucky, its successors and assigns, to the city of Louisville for the performance of each undertaking or provision of this ordinance.

§ 4. Locomotives or cars shall not pass over said track at a rate of speed exceeding eight (8) miles per hour, nor shall locomotives or cars be permitted to stand in any street or public way longer than five minutes.

§ 5. For the violation of any provision of this ordinance by the Southern Railway Company in Kentucky, or any of its officials, agents or employes, said company shall be subject to a fine of not less than twenty-five (\$25.00) dollars or more than one hundred (\$100.00) dollars for each offense.

§ 6. This ordinance shall take effect from and after its passage.

Approved March 2, 1909.

RAILROAD.

AN ORDINANCE granting to the Pennsylvania Terminal Company the right to construct, maintain and operate a sidetrack or switch across the alley running north and south between Twenty-fourth street and Midway avenue, and extending from the first alley north of Howard street to the first alley south of Maple street, said sidetrack to extend from the west line of Twenty-fourth street to the east line of Midway avenue and on the south side of the existing tracks of the Pennsylvania Terminal Railway Company, as shown on blue print attached hereto.

Be it ordained by the General Council of the city of Louisville:

§ 1. That the Pennsylvania Terminal Railway Company be and is hereby granted the right to construct, maintain and operate a sidetrack or switch across the alley running north and south between Twenty-fourth street and Midway avenue, and extending from the first alley north of Howard street to the first alley south of Maple street. Said sidetrack to extend from the west line of Twenty-fourth street to the east line of Midway avenue, and on the south side of the existing tracks of the Pennsylvania Terminal Railway Company.

§ 2. The work of constructing said track shall be done under the supervision of the Board of Public Works, and said track shall be subject to removal at any time at the direction of the General Council or Board of Public Works. The spaces between the rails and for two feet on the outside thereof shall be kept in good repair at the exclusive cost of said company on the demand and under the supervision of said board.

§ 3. That said company shall indemnify and hold harmless the city of Louisville against any claim for damage by any person by reason of the construction, failure to repair said alley as aforesaid, or the operation of the cars on said track, and the acceptance of this ordinance by the construction of said track shall bind said Pennsylvania Terminal Railway Company, its successors and assigns, to the city of Louisville for the performance of each undertaking or provision of this ordinance.

§ 4. That cars or trains shall not pass over said track at a rate of speed exceeding six miles per hour, nor shall locomotives or cars be permitted to stand across or in said alley, except so long as may be necessary for switching purposes on said track.

§ 5. Said Pennsylvania Terminal Railway Company, its successors and assigns, by accepting this ordinance, agrees to receive and exchange from all railroads, cars to and from said switch at the usual trackage charge.

§ 6. That for a violation of any provision of this ordinance by said Pennsylvania Terminal Railway Company, or any of its officers, agents or employes, said company shall be subject to a fine of not less than \$25.00 nor more than \$100.00 for each offense.

§ 7. That this ordinance shall take effect from and after its passage.

Approved March 8, 1909.

RAILROAD.

AN ORDINANCE for the purpose of removing the trestles of the Kentucky & Indiana Bridge and Railroad Company from Marine avenue (sometimes called Marine street), between Twenty-sixth and Twenty-ninth streets, and making suitable provision therefor by narrowing Twenty-seventh street, Twenty-eighth street and Marine avenue, and closing a certain part of Twenty-ninth street.

The Kentucky & Indiana Bridge and Railroad Company (hereinafter called the Bridge Company) has trestles in Marine avenue (sometimes called Marine street), beginning at Twenty-ninth street and running to point east of Twenty-sixth street, such trestles having been built by a predecessor company called the Kentucky & Indiana Bridge Company, under authority of an ordinance of the city of Louisville, approved November 23, 1885.

The Bridge Company has acquired all the property on the north side of Marine avenue, between Twenty-seventh and Twenty-ninth streets. It has also acquired certain property on the north side of Marine avenue, east of Twenty-seventh street. It proposes to build an embankment upon the property so acquired by it, the slope in Twenty-seventh and Twenty-eighth streets being so arranged as to come to the present grade of Twenty-seventh and Twenty-eighth streets to the south at about the north line of Marine avenue, and to the north at about 85 feet north of the north line of Marine avenue (the said north line herein referred to being the north line of Marine avenue, as narrowed by the terms of this ordinance), and with openings

twenty (20) feet wide in Twenty-seventh and Twenty-eighth streets.

Be it ordained by the General Council of the city of Louisville:

§ 1. That Marine avenue, between Twenty-eighth and Twenty-ninth streets, shall be narrowed so that in lieu of its present width of 99 feet its width shall hereafter be 50 feet; such 50 feet being the central strip of the 99 feet.

§ 2. That Twenty-eighth street shall be likewise narrowed in the same way from 99 feet to 50 feet, from Rudd avenue to Marine street.

§ 3. That Twenty-ninth street, from Rudd avenue to Marine street, shall be closed.

§ 4. That the Bridge Company is authorized to construct its said embankment and to lay and maintain thereon a railroad track or tracks for the purpose of the operation of cars, across Twenty-seventh and Twenty-eighth streets, leaving, however, in the center of Twenty-seventh street and Twenty-eighth street an opening, or underpass, 20 feet in width; the southern edge or toe of the fill in Marine avenue, beginning on the west line of Twenty-sixth street, a space of 25 feet south of the north line of Marine street, and running to nothing 210 feet west of the west line of Twenty-seventh street. The Bridge Company shall properly drain Marine avenue south of its embankment into the sewer north of Marine avenue.

§ 5. That when the said embankment shall be sufficiently solid to bear the weight of trains, and within two years from the date of this ordinance, the Bridge Company shall remove its trestles from Marine avenue between Twenty-ninth and Twenty-seventh streets and east of Twenty-seventh street where the construction of such embankment shall have taken the place of the said trestles in the operation of the said road. If any part of said trestles shall remain in said portions of Marine avenue after two years from the approval of this ordinance, it shall be deemed an unlawful obstruction and a nuisance.

§ 6. That when the said trestles are removed from Marine avenue the Bridge Company shall restore the surface of the street to a firm and even condition for travel by vehicles, but shall not be required to pave or otherwise improve the same. Until said trestles are removed from Marine avenue, between Twenty-eighth and Twenty-ninth streets, and the surface thereof restored as herein provided, that portion of said square between said trestles and a line 12 feet south of the present north line of Marine avenue shall remain in its present condition and the public shall have a right of way over it as now enjoyed.

§ 7. That when the change has been made as above the

right of the Bridge Company to use Marine avenue from Twenty-sixth street to Twenty-ninth street shall cease, save in so far as the Bridge Company's embankment is allowed by Section 4 hereof to occupy a part of Marine street from Twenty-sixth street to a point of 210 feet west of Twenty-seventh street.

§ 8. The City Attorney is requested to take all necessary steps to carry out the provisions of this ordinance and to effectuate the narrowing and closing of the streets herein mentioned.

§ 9. This ordinance shall take effect from its passage.

Approved May 26, 1909.

RAILROAD.

AN ORDINANCE granting to the Louisville & Nashville Railroad Company the right to construct, operate and maintain a railroad switch from a point of connection with the tracks of said company east of the first alley east of Logan street and between Kentucky street and East St. Catherine street; thence across said alley in a diagonal direction to the first alley south of Kentucky street and between Logan street and the first alley east of Logan street; thence into the property of the Frey Planing Mill Company.

Be it ordained by the General Council of the city of Louisville:

§ 1. The Louisville & Nashville Railroad Company is hereby granted the right to construct, operate and maintain a railroad switch, beginning at a point of connection with the tracks of said company east of the first alley east of Logan street and between Kentucky street and East St. Catherine street; thence across said alley in a diagonal direction to the first alley south of Kentucky street and between Logan street and the first alley east of Logan street; thence into the property of the Frey Planing Mill Company, as shown by the red line on the attached blue print. This grant shall be terminable at the pleasure of the General Council upon recommendation of the Board of Public Works, and the said track shall be subject to removal at any time at the direction of the General Council upon recommendation of the Board of Public Works.

§ 2. The work of constructing said track shall be done at the expense of the Louisville & Nashville Railroad Company,

under the supervision and according to the plans to be approved by the Board of Public Works. The space between the rails and for two feet on the outside thereof shall be kept in good repair at the exclusive cost of the said railroad company, on demand and under the supervision of the Board of Public Works. Before proceeding to construct the said track, so far as same shall lie along or across the first alley east of Logan street and between Kentucky and St. Catherine streets, or before proceeding to repair same after it has been constructed, the said railroad company shall obtain from the Board of Public Works of the city of Louisville a permit to do the work in question, specifying the place where said work is to be done and the time when it expects to begin same. Such work of construction, reconstruction or repair, shall be done under the supervision of an employe of the Board of Public Works, to be designated by the said board, and said railroad company shall pay the city of Louisville at the rate of \$3 per day for each day of nine hours spent by such employe in such supervision.

§ 3. The said Louisville & Nashville Railroad Company shall indemnify and save harmless the city of Louisville against any claims for damages by any person by reason of the construction of said track, or the operation of cars thereon, or the failure to repair the said public ways as aforesaid; and the acceptance of this ordinance by the construction of said track shall bind the said Louisville & Nashville Railroad Company, its successors and assigns, to the city of Louisville, for the performance of each undertaking or provision of this ordinance.

§ 4. The foregoing switch shall not be constructed until a permit therefor shall have first been obtained from the Board of Public Works. Such permit shall not be granted by the Board of Public Works until the Louisville & Nashville Railroad Company shall first have deposited with the City Treasurer a sum of money sufficient according to estimate of the Board of Public Works to pay for the construction of a 15-inch pipe sewer from the point where said switch crosses the alley mentioned in Section 1 to the sewers in St. Catherine street, including the cost of two catch basins, said sewer and catch basins being necessary to drain the alley after the construction of the switch.

§ 5. Locomotives or cars shall not be permitted to stand in any of said streets or alleys longer than five minutes, nor pass over said track at a rate of speed exceeding eight (8) miles per hour.

§ 6. For the violation of any provision of this ordinance by the Louisville & Nashville Railroad Company, or any of its officers, agents or employes, said company shall be subject to a fine of not less than twenty-five nor more than one hundred dollars for each offense.

§ 7. This ordinance shall take effect from its passage.
Approved June 29, 1909.

RAILROAD.

AN ORDINANCE granting to the Kentucky & Indiana Bridge and Railroad Company the right to construct and operate a single or double track from the point of intersection with said company's track north of Dumesnil street, east of Beech street and west of what would be Hemlock street, if extended, extending in a southwestwardly direction along and diagonally across Dumesnil street, and across Beech street at or near the point of its intersection with Dumesnil street; thence in a southwestwardly direction across a fourteen-foot alley west of Beech street and south of Dumesnil street; thence, in the same general direction, across the intersection of Forrest avenue and Hazel street; thence crossing an alley between Forrest avenue and Woodland avenue and Hazel street and Thirty-second street; thence, in the same general direction, crossing Thirty-second street at or near its intersection with Woodland avenue; thence westwardly along Woodland avenue to the city limits, in lieu of the right heretofore granted to said company by ordinance approved March 2, 1908.

Be it ordained by the General Council of the city of Louisville:

§ 1. The Kentucky and Indiana Bridge and Railroad Company is hereby granted the right to construct the maintain a single or double track, beginning at a point of intersection with the tracks of said company north of Dumesnil street, east of Beech street and west of what would be Hemlock street, if extended, and extending in a southwestwardly direction along and diagonally across Dumesnil street and diagonally across Beech street, at or near the point of its intersection with Dumesnil street; thence, in a southwestwardly direction, across a fourteen-foot alley west of Beech street and south of Dumes-

nil street; thence, in the same general direction across the intersection of Forrest avenue and Hazel street; thence crossing an alley between Forrest avenue and Woodland avenue and Hazel street and Thirty-second street; thence, in the same general direction, crossing Thirty-second street at or near its intersection with Woodland avenue; thence westwardly along Woodland avenue to the city limits, and across all intervening streets and alleys which may exist between the points named, as shown on blue print attached hereto; and to operate, or cause to be operated, trains and cars over and along same. This grant shall be terminable at the pleasure of the General Council, and said track shall be subject to removal at any time at the direction of the General Council.

§ 2. The work of constructing said track shall be done at the expense of said Kentucky & Indiana Bridge and Railroad Company, under the supervision of the Board of Public Works. The construction, reconstruction, maintenance and repair of said track shall be done in such manner as not to interfere with the drainage of any of the public ways across or in which the said track shall lie, and the said Kentucky & Indiana Bridge and Railroad Company shall at all times at its own expense install and maintain and keep free and clear such culverts or pipes beneath its track as the Board of Public Works shall direct, to the end that the existence of said track shall not in any manner impair the drainage in any of the public ways mentioned in Section 1 of this ordinance. The spaces between the outermost rails and for two feet on the outside thereof shall be kept in good repair, at the exclusive cost of said Kentucky & Indiana Bridge and Railroad Company, on the demand and under the supervision of said Board of Public Works, and whenever said board shall require it, said spaces shall be constructed and from time to time reconstructed when and of such material as said Board shall prescribe. Before proceeding to construct the said track so far as the same shall lie along or across public streets or alleys the Kentucky & Indiana Bridge and Railroad Company shall first obtain the approval of the Chief Engineer to the detail plans therefor and a permit from the Board of Public Works of the city of Louisville to do the work in question, and before proceeding at any time to reconstruct or repair such parts of said track, the said company shall also obtain a permit from said board. Such permit shall specify the time when the work is to be begun and the probable number of days for its completion. If the Board of Public Works shall so direct, such work shall be done under the supervision of an employe of said board to be designated by it, and the Kentucky & Indiana Bridge and

Railroad Company shall pay the city of Louisville at the rate of three dollars per day for the time spent by such employe in such supervision. The Board of Pubic Works shall have the right before issuing any permit under this section to require the Kentucky & Indiana Bridge and Railroad Company to deposit with the City Treasurer a sum sufficient to cover this cost of supervision for the length of time stated in the permit as the probable duration of the work.

§ 3. The said Kentucky & Indiana Bridge and Railroad Company shall indemnify and save harmless the city of Louisville against any claim for damages by any person by reason of the construction of said track, or the operation of cars thereon, or the failure to repair the said public ways as aforesaid; and the acceptance of this ordinance by the construction of said track shall bind the said Kentucky & Indiana Bridge and Railroad Company, its successors and assigns, to the city of Louisville for the performances of each undertaking or provision of this ordinance.

§ 4. Locomotives or cars shall not be permitted to stand in any of said streets or alleys longer than five minutes.

§ 5. Said Kentucky & Indiana Bridge and Railroad Company by accepting this ordinance, hereby agrees that it and its successors and assigns will at all times receive and exchange from all railroads cars to and from said switch at the usual trackage charge.

§ 6. For the violation of any provision of this ordinance by the Kentucky & Indiana Bridge and Railroad Company, or any of its officers, agents or employes, said company shall be subject to a fine of not less than five dollars nor more than one hundred dollars for each offense.

§ 7. The ordinance approved March 2, 1908, and entitled "An ordinance granting to the Kentucky & Indiana Bridge and Railroad Company the right to construct and operate a single or double track from the point of intersection with said company's track north of Dumesnil street, east of Beech street and west of what would be Hemlock street, if extended, extending in a southwestwardly direction along and diagonally across Dumesnil street and across Beech street at or near the point of its intersection with Dumesnil street; thence in a southwestwardly direction across a fourteen-foot alley west of Beech street and south of Dumesnil street; thence in the same general direction across Hazel street; thence westwardly along Forrest avenue across Thirty-second street and to the city limits, and across all intervening streets and alleys which may exist," and all ordinances and parts of ordinances in conflict herewith are hereby repealed.

§ 8. This ordinance shall take effect from its passage.
Approved July 9, 1909.

RAILROAD.

AN ORDINANCE granting to the Louisville Bridge Company the right to construct, maintain and operate a track or switch across Fourteenth street, between Market and Jefferson streets, into the property of Jacob Zinsmeister & Brother, as shown on blue print attached hereto.

Be it ordained by the General Council of the city of Louisville:

§ 1. That the Louisville Bridge Company be and it is hereby granted the right to construct, maintain and operate a track or switch across Fourteenth street, between Market and Jefferson streets, from a point one hundred and forty-three feet south of the south line of Market street, thence across Fourteenth street and Congress alley, in a southwesterly direction to and across the sidewalk on the west side of Fourteenth street, at a point about two hundred feet north of Jefferson street, into the property of Jacob Zinsmeister & Brother, as shown on blue print attached hereto, for the purpose of loading and unloading freight at the plant on said property, with the right to operate or cause to be operated cars over and along said track.

§ 2. The work of constructing said track shall be done under the supervision of the Board of Public Works in such manner as not to interfere with the gutter drainage of either Fourteenth street or Congress alley, which the Bridge Company shall always keep free at its cost, and said track shall be subject to removal at any time at the direction of the General Council or Board of Public Works. The spaces between the rails and for two feet on the outside thereof shall be always kept in good repair at the exclusive cost of said company on the demand and under the supervision of said board, and whenever said board shall require it said spaces shall be constructed and from time to time reconstructed when, and of such material as, said board shall prescribe.

§ 3. Before proceeding to construct any part of said track in the public way the Bridge Company shall first obtain the approval of the Chief Engineer of the city of Louisville to the detail plans therefor and a permit from the Board of Public

Works to proceed, and before proceeding at any time to reconstruct or repair such parts of said track the Bridge Company shall obtain a like permit. Such permit shall specify the time when the work is to be begun and the probable number of days for its completion. Such work shall be done under the supervision of an employe of the Board of Public Works of the city of Louisville to be designated by said board, and the Bridge Company shall pay the city of Louisville at the rate of \$3.00 per day for the time spent by such employe in such supervision. Before any permit is issued under this section the Bridge Company shall deposit with the City Treasurer a sum sufficient to cover this cost of supervision for the length of time stated in the permit as the probable duration of the work.

§ The Bridge Company shall indemnify and hold harmless the city of Louisville against any claim for damages by any person by reason of the construction of said track, or the failure to repair the public ways as aforesaid, or the operation of the cars on said track; and the acceptance of this ordinance by the construction of said track shall bind said Louisville Bridge Company, its successors and assigns to the city of Louisville for the performance of each undertaking or provision of this ordinance.

§ 5. No car, locomotive or train shall pass over said track at a rate of speed exceeding six miles per hour, nor shall any locomotive or car be permitted to stand upon said switch, across or in the public way longer than five minutes.

§ 6. Said Louisville Bridge Company, its successors and assigns by accepting this ordinance agrees to receive and exchange from all railroads, cars to and from said switch at the usual trackage charge.

§ 7. For a violation of any provision of this ordinance by said Louisville Bridge Company or its successors, or any of its or their officers, agents or employes, said company or its successors shall be subject to a fine of not less than \$25.00 nor more than \$100.00 for each offense.

§ 8. That this ordinance shall take effect from and after its passage.

Approved July 12, 1909.

RAILROAD.

AN ORDINANCE granting to the Louisville & Nashville Railroad Company the right to construct and operate a siding over its right of way in Fourteenth street, beginning at a point thirty-eight (38) feet south of the south line of an alley between Oak street and Dumesnil street and diverging from the Central Railway, Transfer and Storage Company's maintrack, with a curve of about three hundred and sixty (360) feet radius to the left and running in a northwestwardly direction across a portion of Fourteenth street and an alley on to the property of Tischenderf-Chreste Lumber Company.

Be it ordained by the General Council of the city of Louisville:

§ 1. That the Louisville & Nashville Railroad Company is hereby granted the right to construct, maintain and operate a siding connecting with and running over its tracks in Fourteenth street, south of Oak street.

A side track, having connection with the Central Railway, Transfer and Storage Company's main track at a point thirty-eight (38) feet south of the south line of an alley between Oak street and Dumesnil street, diverging from said Central Railway, Transfer and Storage Company's track, with a curve of about three hundred and sixty (360) feet radius to the left, running in a northwestwardly direction and crossing that portion of Fourteenth street which is west of the said Central Railway, Transfer and Storage Company's track and the said alley between Oak street and Dumesnil street, with the right to operate and caused to be operated, cars and engines over and along said track.

This grant shall be terminable by the General Council upon the recommendation of the Board of Public Works, and said track shall be subject to removal at any time at the direction of the Council upon recommendation of said board.

§ 2. The work of constructing said track shall be done at the expense of said Louisville & Nashville Railroad Company, and under the supervision of and according to the plans to be approved by the Board of Public Works. The spaces between the rails and for two feet outside thereof shall be kept in good repair and reconstructed from time to time at the exclusive

cost of said Louisville & Nashville Railroad Company on the demand and under the supervision of said Board of Public Works. Before proceeding to construct the said track so far as the same shall lie along or across any public way, or to repair or reconstruct same after it has been constructed, the Louisville & Nashville Railroad Company shall obtain from the Board of Public Works of the city of Louisville a permit to do the work in question, specifying the place where said work is to be done, and the time when it is expected to begin the same. Such work of construction, reconstruction or repairs shall be done under the supervision of an employe of the Board of Public Works, to be designated by the board, and the Louisville & Nashville Railroad Company shall pay the Board of Public Works at the rate of \$3.00 per day for each day of nine hours spent by said employe in such supervision.

§ 3. The said Louisville & Nashville Railroad Company shall indemnify and save harmless the city of Louisville against any claims for damage by any person by reason of the construction of said track or operation of cars thereon, or the failure to repair the said tracks as aforesaid, and the acceptance of this ordinance by the construction of said tracks shall bind the Louisville & Nashville Railroad Company, its successors and assigns, to the city of Louisville for the performance of each undertaking or provision of this ordinance.

§ 4. Locomotives or cars shall not be permitted to stand across or in any public way longer than five minutes.

§ 5. For the violation of any provision of this ordinance by the Louisville & Nashville Railroad Company, or any of its officers, agents or employes, said company shall be subject to a fine of not less than \$25.00, nor more than \$100.00 for each offense.

§ 6. This ordinance shall take effect from its passage.

Approved October 4, 1909.

RAILROAD CROSSINGS.

AN ORDINANCE prescribing electric gongs at railway crossings.

Be it ordained by the General Council of the city of Louisville:

§ 1. For the protection of life and property, all railroad or railway companies or corporations operating or propelling freight or passenger cars by steam power along or upon the

public ways or streets of the city, shall, at their own cost, cause to be erected and maintained at all the public way or street crossings, on their respective lines of railorad or railway tracks within the corporate limits of the city, competent and efficient electric gongs and signals similar to those now in use at the crossings of the Louisville, Cincinnati & Lexington Railway tracks and the Shelbyville turnpike, in the county of Jefferson, State of Kentucky.

§ 2. Said railroad or railway companies shall, within three months from the passage of this ordinance, cause said electric gongs or signals to be placed at the street crossings, as provided in the foregoing section, which shall be done under the supervision of the city engineer.

§ 3. Said railroad or railway companies or corporations, or any of them, shall, for each day they fail to comply with the provisions of this ordinance, be subject to a fine of not less than five dollars nor more than twenty dollars.

Approved August 27, 1884.

RAILROADS.

Steam, Operation of in City.

AN ORDINANCE concerning the operation of steam railroads in the city of Louisville.

Be it ordained by the General Council of the city of Louisville:

§ 1. That when any car, cars, or locomotive, propelled by steam power, shall be moving in the city of Louisville, the bell of the engine shall be constantly sounded within the city limits.

§ 2. It shall be unlawful for any person or corporation to blow, or cause to be blown, any steam or other railway or railroad whistle in the city of Louisville for any purpose, except to prevent collision or in case of imminent danger.

§ 3. Any person or corporation violating any provision of this ordinance shall be fined not less than ten dollars nor more than one hundred dollars for each offense.

§ 4. This ordinance shall take effect and be in force from and after its passage and publication.

Approved August 1, 1898.

REAL ESTATE.

AN ORDINANCE prohibiting trespass on real estate.

Be it ordained by the General Council of the city of Louisville:

§ 1. That it shall be unlawful for any person, without the consent of the owner, or his or her agent, to enter on any enclosed or improved real estate, lot, or parcel of ground in the city of Louisville, and to destroy any flower or shrubbery, or remove therefrom any flowers, shrubbery, material, substance, earth, dirt, or turf.

§ 2. Any person violating the provisions of this ordinance shall, upon conviction thereof, be fined not less than ten nor more than fifty dollars for each offense.

3. This ordinance shall take effect from and after its publication.

Approved May 7, 1895.

REGISTRATION.

AN ORDINANCE providing for an additional registration day in the city of Louisville.

Be it ordained by the General Council of the city of Louisville:

§ 1. That the first Wednesday after the first Tuesday in October in each year, from the hours of 6 o'clock in the morning, until 9 o'clock in the evening, shall be and it is hereby appointed an additional registration day for voters in the city of Louisville, and that the officers of registration shall register on said day the voters of the city entitled to register in the same manner and subject to the same rules and regulations as provided by law for the holding of a registration for that purpose on the first Tuesday in October in each year.

§ 2. That an ordinance entitled "An ordinance providing additional registration days in the city of Louisville," approved September 30, 1893, be and the same is hereby repealed.

§ 3. That this ordinance shall take effect from its passage.

Approved December 24, 1903.

REGISTRATION—PROHIBITING PURCHASE OR SALE OF CERTIFICATES.

AN ORDINANCE prohibiting the purchase or sale of, or the attempt to purchase or sell any registration certificates.

Be it ordained by the General Council of the city of Louisville:

§ 1. That any person, who, by paying or offering to pay any sum of money or by giving or offering to give anything of value, or by promising or offering to promise any benefit, shall purchase, or attempt to purchase, or obtain or attempt to obtain the possession of any registration certificate of any person registered as a voter in any precinct of the city of Louisville, and any person who has been registered as a voter in any precinct of the city of Louisville, and, who, for money, or the promise of money, or for anything of value, or any benefit or promise of any benefit, shall sell or offer to sell, or shall give up the possession of the certificate of such registration, shall be deemed guilty of a misdemeanor and shall for each offense be fined not exceeding fifty dollars.

§ 2. Any person who shall procure another to do, or shall aid or abet in the doing of anything prohibited by section 1 of this ordinance shall be subject to the same penalty.

§ 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

§ 4. This ordinance shall take effect from and after its passage.

Approved August 25, 1909.

RIGHTS OF WAY, PERMITS FOR.

AN ORDINANCE regulating rights of way and permits therefor.

Be it ordained by the General Council of the city of Louisville:

§ 1. That the ambulances in all the departments under the Board of Public Safety, while engaged in going for or in carrying any sick or wounded person or persons, shall have the right of way in the public ways of the city as against any person, conveyance, or incumbrance put, driven or being in said public ways, and no person or persons shall obstruct any such

ambulance while so engaged, if there shall be opportunity to get out of the way of the same.

§ 2. All physicians who shall have the permit, and wear and exhibit the badge hereafter provided for, shall, while engaged in answering calls for their professional services, have the right of way in the public ways of the city for themselves and their vehicles as against any person, conveyance or incumbrance put, driven or being in said public ways, except the ambulance mentioned in the preceding section of this ordinance, and such physician shall be allowed, without delay, to cross all processions and to pass through crowds or other public gatherings in said public ways.

§ 3. It shall be the duty of the health officer to issue annually, without charge, on written application therefor, a permit over his official signature, to continue in force for one year, to any practicing physician, who shall have been licensed by the State Board of Health and shall have paid his license tax, if any, due to the city; and the health officer shall also deliver with said permit to such physician a suitable badge of such design as he may adopt, which shall be exhibited by such physician when he shall demand of any person or persons the right of way, as provided for in section two of this ordinance.

§ 4. It shall be the duty of the health officer to obtain from the State Board of Health a certified list of all physicians licensed by said board and practicing in the city of Louisville, and from the secretary and treasurer of the Board of Sinking Fund Commissioners of the city, annually, a certified list of all physicians who have paid their license tax as may be required by law or ordinance, and no permit for right of way shall be issued by the health officer to any physician whose name is not in said certified list.

§ 5. It shall be unlawful for the gates at any railway crossing of a public way in the city to be kept down, or such crossing to be obstructed, so that ambulances or physicians shall be unable to cross such railway for a longer period than five minutes at any one time.

§ 6. Any person or corporation who shall fail or refuse on demand to yield the right of way to an ambulance or physician, as provided for in this ordinance, when it is possible to do so, shall be deemed guilty of a misdemeanor, and on conviction shall be fined not less than twenty-five dollars nor more than one hundred dollars for each offense.

§ 7. All ordinances in conflict herewith are hereby repealed.

§ 8. This ordinance shall take effect from its passage.

Approved January 15, 1898.

SALARIES.

AN ORDINANCE fixing and regulating the salaries of officers of the city of Louisville.

Be it ordained by the General Council of the city of Louisville:

§ 1. That the following named officers shall receive from the city of Louisville annually the respective sums set opposite their names, such salaries to be paid monthly, as now provided by law:

The Mayor shall receive the sum of.....	\$5,000 00
The City Attorney shall receive the sum of.	4,000 00
The Treasurer shall receive the sum of....	3,500 00
The Comptroller shall receive the sum of...	3,500 00
The Assessor shall receive the sum of....	3,500 00
The Tax Receiver shall receive the sum of...	3,500 00
The Judge of the Police Court shall receive the sum of	3,500 00
The Prosecuting Attorney of the Police Court shall receive the sum of	3,500 00
The Gas Inspector shall receive the sum of..	3000 00
The Assistant City Attorney shall receive the sum of	2,500 00
The Auditor shall receive the sum of.....	2,750 00
The Chairman and Members of the Board of Public Works shall each receive the sum of	2,500 00
The Chairman and Members of the Board of Public Safety shall each receive the sum of	2,500 00
The Clerk of the Police Court shall receive the sum of	3,500 00
The City Buyer shall receive the sum of....	2,400 00
The Bailiff of the Police Court shall receive the sum of.....	3,500 00
The Clerk of the Board of Aldermen shall receive the sum of	2,000 00
The Clerk of the Board of Councilmen shall receive the sum of.....	2,000 00
The Tax Receiver's Cashier shall receive the sum of	1,800 00
The First Assistant Assessor shall receive the sum of	1,650 00

The Mayor's Clerk shall receive the sum of..	2,000 00
The Comptroller's Clerk shall receive the sum of	1,500 00
The Treasurer's Clerk shall receive the sum of	1,500 00
The Assessor's six Assistants shall each receive the sum of	1,350 00
The Assessor's Draughtsman shall receive the sum of	1,350 00
The Stenographer of the Police Court shall receive the sum of	1,200 00
The Tax Receiver's Bookkeeper shall receive the sum of	1,200 00
The City Attorney's Stenographer shall receive the sum of	1,020 00
The Tax Receiver's General Clerk shall receive the sum of	1,000 00
The Assessor's Transfer Clerk shall receive the sum of	1,000 00
The two Deputies of the Clerk of the Police Court shall each receive the sum of....	1,200 00
The two Assistants of the Bailiff of the Police Court shall each receive the sum of....	1,200 00
The City Buyer's Clerk shall receive the sum of	1,200 00
The Interpreter of the Police Court shall receive the sum of	900 00
The Mayor's Stenographer shall receive the sum of	900 00
The Assistant City Attorney's Stenographer shall receive the sum of	900 00

§ 2. That the salaries of the Sergeant-at-Arms of the Board of Aldermen, the Sergeant-at-Arms of the Board of Councilmen, two Pages of the Board of Aldermen and two Pages of the Board of Councilmen shall each be \$1.50 per session of the General Council.

§ 3. That the salaries fixed by this ordinance shall apply to and be effective from the date of the passage of this ordinance, and shall apply to the successors of the present incumbents of the offices, who were voted for at the November election, 1901, but who have not yet qualified and taken possession of their offices, and to any persons who may be elected or appointed to fill any vacancies that may occur in any of said offices.

§ 4. That all ordinances and parts of ordinances in conflict with this ordinance be, and they are, hereby repealed and held for naught.

§ 5. That the Clerks of the General Council shall perform such duties as may be specified and directed by the Comptroller or by ordinance.

§ 6. This ordinance shall be in full force and effect from and after its passage.

Approved November 15, 1901.

SALOON CLOSING.

AN ORDINANCE regulating the sale of spirituous, vinous, malt and intoxicating liquors of every kind and prescribing the hours and conditions for the sale thereof.

Be it ordained by the General Council of the city of Louisville:

§ 1. That it shall be unlawful for any person or persons, owner, agent or employe of a saloon, barroom or place of any kind where spirituous, vinous or malt liquors, or other intoxicating liquors of any kind are sold at retail, or by the drink, to keep said place open from and after the hour of 1 o'clock a. m., or to open said place of business before the hour of 5 o'clock a. m.

§ 2. It shall be unlawful for any person, firm or corporation to have, maintain, or operate, or cause to be maintained or operated a dance hall, where persons may engage in dancing either for pay or for the purchase of liquors, or free, in any apartment connected with a saloon, barroom or any place where spirituous, vinous or malt liquors, or other intoxicating liquors are sold; but this section shall not apply to licensed public gardens or dance halls at such times as licensed picnics or balls are given therein.

§ 3. That any keeper, owner, agent, employe or manager of any saloon or dance hall who shall violate any of the provisions of this ordinance shall be fined twenty-five dollars for each offense, and each sale or other act committed in violation of this ordinance shall constitute a separate offense.

§ 4. This ordinance shall take effect on and after its publication.

Approved July 22, 1905.

SANITATION.

AN ORDINANCE regulating the sanitary condition of manufacturing establishments, tenement houses, lodging houses, boarding houses, stores and public buildings in the city of Louisville.

Be it ordained by the General Council of the city of Louisville:

§ 1. That no owner, lessee, or keeper of any tenement house, lodging house, boarding house, manufactory, store, or public building shall cause or allow the same to be overcrowded, or cause or allow so great a number of persons to dwell, be, or sleep in any such house, or any portion thereof, as thereby to cause any danger or detriment to life or health.

§ 2. That every person who shall be the owner, lessee, manager, or keeper of any tenement house, boarding house, lodging house, manufactory, store or public building, shall provide or cause to be provided for the accommodation of those boarding, lodging, or engaged therein, and for the use of the tenants, lodgers, boarders, and workers therein, adequate privies and water-closets, and the same shall be so adequately ventilated and shall at all times be kept in such cleanly and wholesome condition as not to be offensive or be dangerous or detrimental to life or health; and no offensive smell or gases from or through any outlet or sewer or through any such privy or water-closet, shall be allowed by any person aforesaid to pass into such house or any part thereof, or into any other house or building.

§ 3. That every owner, lessee, tenant, or manager of any tenement house, boarding house, lodging house, manufactory, store, or public building shall cause every part thereof and its appurtenances to be put, and shall thereafter cause the same to be kept, in a cleanly and wholesome condition, and shall speedily cause every department thereof in which any person may sleep, dwell, or work, to be adequately lighted or ventilated; and if the same be a manufactory, shall cause every part thereof in which any person may work to be maintained at such a temperature, and be provided with such accommodations and safeguards as not, by reason of the want thereof, or anything about the condition of such manufactory or its appurtenances, to cause any unnecessary danger or detriment to the life or health of any person being properly therein or thereat.

§ 4. Any person who shall violate any of the provisions of this ordinance, after being given thirty days' notice in writing, by the health officer to comply therewith, specifying what he is required to do with respect to the premises owned, leased, or kept by him, shall be fined not less than ten dollars nor more than fifty dollars for each offense.

§ 5. This ordinance shall take effect from and after its passage.

Approved April 19, 1898.

SEAL.

AN ORDINANCE establishing a public seal for the city.

The seal of the city of Louisville shall be the device of a locomotive under way, with the motto, "Progress."

Approved May 8, 1861.

SCHOOL FOR TRAINED NURSES.

AN ORDINANCE empowering and authorizing the Board of Public Safety to establish and conduct a school for trained nurses in connection with the City Hospital.

Be it ordained by the General Council of the city of Louisville:

§ 1. That the Board of Public Safety is hereby authorized and empowered to establish and conduct a School for Trained Nurses in connection with the City Hospital in the city of Louisville.

§ 2. That said Board of Public Safety shall have the power to make all regulations and rules necessary to conduct said school.

§ 3. This ordinance shall take effect from and after its publication.

Approved July 11, 1894.

SECOND-HAND CLOTHING.

AN ORDINANCE requesting second-hand dealers to disinfect clothing and other material.

Be it ordained by the General Council of the city of Louisville:

§ 1. That any person, company, or corporation doing business in the city of Louisville, who purchases or sells goods of any kind or description having once been used, or transferred from the manufacturer to the dealer and then received into the possession of another party, whether the same consists of cloths, carpets, clothing, rags, or wearing apparel, shall be deemed to be a second-hand dealer, and all such dealers are hereby required, within sixty days after the passage of this ordinance, to establish and set apart a tightly and suitably constructed room in connection with their business establishment to be used for disinfecting all such material which is liable to contagious infection, purchased and handled by them, before the same is offered for sale.

§ 2. That every person, firm, or corporation that violates any provision of this ordinance shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined not less than twenty-five (\$25) dollars nor more than fifty (\$50) dollars for each offense, and each day's continuance of business without compliance with section 1 of this ordinance, after sixty days from its passage, shall constitute a separate offense.

§ 3. That this ordinance shall take effect from its passage.
Approved April 27, 1900.

SECOND-HAND DEALERS.

AN ORDINANCE regulating dealers in second-hand goods, wares, merchandise, or materials in the city of Louisville.

Be it ordained by the General Council of the city of Louisville:

§ 1. That every person, firm, or corporation who shall carry on the business of buying or selling second-hand goods, wares, merchandise, or materials, shall be deemed a second-hand dealer within the meaning of this ordinance.

§ 2. It shall be unlawful for any person, firm, or corporation to carry on the business of second-hand dealer in the city

of Louisville without first having executed a bond to the city of Louisville, approved by the General Council, in the sum of one hundred dollars, conditioned that he or they will faithfully perform and observe all of the regulations of this ordinance. Said bond shall be executed in the Sinking Fund office, in the presence of the treasurer and secretary of the Sinking Fund, and shall be transmitted to the General Council for approval; and when approved the Comptroller shall be the custodian of said bond, and shall notify the treasurer and secretary of the Sinking Fund of such approval, and no license shall be issued to any such second-hand dealer until said bond has been approved by the General Council.

§ 3. No person, firm, or corporation carrying on the business of second-hand dealer shall at any time or under any circumstances be allowed to buy second-hand goods, wares, merchandise, or materials from a minor.

§ 4. Every person, firm, or corporation carrying on the aforesaid business shall keep a register, which shall contain the name of the person or persons from whom any second-hand goods, wares, merchandise, or materials are purchased, the date when received and bought, the residence or place of business of such person or persons, and a full description of said second-hand goods, wares, merchandise, or materials, same to be in plain, legible English handwriting; and shall daily, by 11 o'clock a. m., furnish to the chief of police, in plain, legible English handwriting, a true and correct report of all such second-hand goods, wares, merchandise, or materials so purchased, or otherwise in their possession, describing said articles as accurately as possible. It shall be the duty of any such person, firm or corporation to allow any captain of police, or officer, or officers, designated by the chief of police or chief of detectives, upon a written order, to examine and inspect such register, and if sufficient information can not be gained from an inspection of said register, it shall, upon the request of said officer or officers, be the duty of any person, firm, or corporation to permit and allow said officers to examine and inspect any and all second-hand goods, wares, merchandise, or materials belonging to or temporarily left in charge of such person, firm or corporation.

§ 5. It shall be the duty of the chief of police to furnish blanks for the reports herein provided for.

§ 6. Whenever any second-hand dealer shall go from house to house in the city of Louisville for the purpose of buying or selling second-hand goods, wares, merchandise, or materials, he shall carry his license and exhibit the same whenever requested to do so by a license or police officer, and shall wear

upon his person, in a conspicuous place, in such manner that it may always be seen, a badge, which badge shall be furnished free of charge by the Commissioner of the Sinking Fund to any person who has procured a license as a second-hand dealer. Said badge shall be of metal, and shall have thereon the following words: "City of Louisville. Sinking Fund. Licensed Second-hand Dealer. No.———. Expires ———, 189——."

It shall be unlawful for any person to wear or have in his possession the badge herein required unless he be the licensed second-hand dealer in whose name the license is issued.

On the expiration of the license of any second-hand dealer he shall surrender his badge to the Commissioners of the Sinking Fund.

It shall be unlawful for any person to destroy, deface, or injure said badge in any manner, or change the numbers or dates thereon.

§ 7. Any person, firm, or corporation who shall neglect, or refuse to comply with, or violate any of the provisions of this ordinance, shall be fined not less than five nor more than twenty-five dollars for each offense. Each day such person, firm, or corporation shall neglect or refuse to comply with, or violate any of the foregoing provisions, shall constitute a separate offense.

§ 8. This ordinance to take effect from and after its publication.

Approved March 20, 1897.

SEWAGE.

AN ORDINANCE concerning the sewerage of the city of Louisville.

Be it ordained by the General Council of the city of Louisville:

§ 1. That all owners of occupied houses in the city of Louisville situated upon lots abutting upon a street or alley in which there is a public sewer shall connect all drain pipes of such house with said sewer.

§ 2. It shall be unlawful for the owner of such house to keep or maintain any dry well upon such lot or to drain any privy matter or other foul or deleterious matter into same.

§ 3. Any person violating the provisions of this ordinance shall be fined not less than ten dollars nor more than twenty-

five dollars for each offense. Each day said party shall fail to connect the drain pipes of his house with the sewer, and each day any such dry well is kept or maintained upon lot, is to constitute a separate offense.

§ 4. This ordinance to take effect sixty days after publication.

Approved December 20, 1893.

SEWERS—PROHIBITING THE OBSTRUCTION OF.

AN ORDINANCE prescribing penalty to be imposed upon individuals or corporations having buildings, structures, works, conduits, mains, pipes, tracks, or other physical obstructions in, over or upon public streets, lanes, alleys or highways, which interfere with or impede the progress of the construction or establishment of a comprehensive sewerage system in the city of Louisville, which they refuse to shift, adjust, accommodate or remove after receiving notice from the Commissioners of Sewerage of the city of Louisville.

Whereas, by a statute enacted by the General Assembly of the Commonwealth of Kentucky, approved February 19, 1906, the city of Louisville was enabled to construct a comprehensive system for the disposition of sewerage; and,

Whereas, by the said statute, a body corporate under the name of the "Commissioners of Sewerage of Louisville" was created and endowed with certain capacities and powers under the said statute; and,

Whereas, it was by section 8 of the said statute provided that "All individuals or corporations having buildings, structures, works, conduits, mains, pipes, tracks, or other physical obstruction in, over or upon the public streets, lanes, alleys or highways which shall interfere with or impede the progress of said sewerage system when in process of construction and establishment, shall, upon reasonable notice from said commission, promptly so shift, adjust, accommodate or remove the same, at their own cost and expense, as fully to meet the exigencies occasioning such action, and the General Council shall have full power, by ordinance, to prescribe the penalty for such failure," and,

Whereas, it is deemed that the necessity now exists for a penalty to be prescribed as provided in said section; now, therefore,

Be it ordained by the General Council of the city of Louisville:

§ 1. That when notice in writing has been given by the Commissioners of Sewerage of Louisville to any individual or corporation having buildings, structures, works, conduits, mains, pipes, tracks or other physical obstruction in, over, or upon the public streets, lanes, alleys or highways, which shall interfere with or impede the progress of any sewerage system in process of construction or establishment by said Commission, requesting said individual or corporation to shift, adjust, accommodate or remove the same, and indicating the manner and extent of such shifting, adjusting, accommodation or removal, and said individual or corporation shall, for fifteen days after receiving said notice, refuse or fail to shift, adjust, accommodate or remove the same at their own cost and expense, in compliance with said notice, then said individual or corporation shall be guilty of a misdemeanor and shall be subject to a fine of not less than \$50 nor more than \$100 for each offense.

§ 2. Each day after the expiration of said fifteen days on which any part of said obstructions referred to in said notice shall not have been shifted, adjusted, accommodated or removed in accordance with or to the extent designated in said notice, shall constitute a separate offense.

§ 3. This ordinance shall take effect from and after its passage.

Approved September 8, 1908.

SHADE TREES.

AN ORDINANCE relating to shade and ornamental trees on the sidewalks and thoroughfares of the city of Louisville.

Be it ordained by the General Council of the city of Louisville:

§ 1. That whenever the Board of Park Commissioners, in their judgment, shall condemn any dead or decaying tree or trees on the sidewalks or thoroughfares, and notice is served by the Board of Park Commissioners of the city of Louisville on the owner of the lot or property abutting on the street or sidewalk where said condemned tree or trees shall be located,

the said owner shall, at his expense, remove the said condemned tree or trees from the street or sidewalk in such manner as will least impede the public travel, and he shall put the surface of the streets or sidewalk in an even and uniform shape after removal.

§ 2. Should the owner of said lot or property adjoining the location of said condemned tree or trees fail for five days after notice herein mentioned to remove said condemned tree or trees from the sidewalk or public highway, he shall be fined five (\$5) dollars for each day after said fifth day that said condemned tree or trees is allowed to remain unremoved, and the sidewalk not repaired, as provided for in section 1 of this ordinance.

§ 3. This ordinance to take effect from and after its publication.

Approved May 21, 1894.

SMOKE—TO REGULATE THE EMISSION THEREOF.

AN ORDINANCE to prevent the emission of soot, black or dense gray smoke from smokestacks, chimneys and all other smoke-emitting stacks within the city of Louisville, including locomotive railroad engines and engines used and employed in house and street construction work in the city of Louisville or other engines in the city of Louisville.

Be it ordained by the General Council of the city of Louisville:

§ 1. The emission of soot, black or dense gray smoke from any smokestack or chimney used in connection with any stationary engine, steam boiler, locomotive, railroad engine, or engine used or employed in the construction, reconstruction, altering or repairing any building or street or preparatory to beginning any such work on any building or street in the city of Louisville, or other engines in the city of Louisville, or furnace of any description within the corporate limits of the city of Louisville, in any apartment house, office building, hotel, theater, place of public entertainment, school building, institution or any other structure in the city of Louisville, or any building used as a factory, or for any purpose of trade, or

for any other purpose whatever, shall be deemed and is hereby declared to be a public nuisance. This provision, however, shall not apply to locomotives, when under previously arranged time schedules, they enter into or depart from their depots attached to or drawing such cars only as are used exclusively for passenger travel to and from the city of Louisville and at such times as said locomotives attached to said cars are stationed in said depots for the purpose of discharging or receiving such passengers, and to such locomotives or engines when entering or departing from the city of Louisville drawing what are known to be and are at the said particular time through freight trains, or to the fire engines of the Fire Department of the city of Louisville. Nor shall the provisions of this ordinance apply to such buildings as are used exclusively for private residence purposes, provided, however, that such buildings shall not by the carelessness of the occupant thereof, be permitted to become actual and continuous nuisances by reason of the emission of dense smoke or soot therefrom into the open air.

§ 2. The Inspector of Buildings shall have authority to require all steam boilers or furnaces and such other boilers as are named or come within the provisions of any section of this ordinance, and which are already constructed and installed and which have not attached an efficient smoke preventive as provided for in this ordinance, to have the same attached and in operation so as to comply with all the provisions of this ordinance on or before its passage, and he shall require the attachment of some efficient smoke preventive so as to comply with all provisions of this ordinance to all steam boilers or furnaces and such other furnaces which are not already constructed and installed as are named or come within the provisions of any section of this ordinance at the time of the construction and installation of said boilers or furnaces, provided, however, that if in the judgment of the Inspector of Buildings, it shall be impracticable to equip locomotives or railroad engines not coming within section 1 of this ordinance, or engines used in the construction of streets or the repairing and construction of buildings and other engines in the city of Louisville, with efficient mechanical smoke preventives that then, and in that event, said locomotives and any and all of said engines shall use such fuel and be operated in such a manner from and after the passage of this act so as to comply with section 1, and other sections of this ordinance. The inspector and assistant inspectors of buildings shall have the authority at all reasonable hours in the discharge of their duties to enter any steam boiler or engine-room, or any building containing

any boiler or furnace or other appliance or in and on any locomotive or engine which under the provisions of this ordinance is required to be equipped or operated as therein provided, and any person or persons hindering or obstructing them or any of them in the performance of said duties shall be deemed guilty of violating the provisions of this ordinance

§ 3. That when any person shall be desirous of constructing or altering any steam boiler or furnace within the corporate limits of the city of Louisville, he or they shall make application at the office of the Inspector of Buildings for a certificate for that purpose, and shall furnish a written statement giving the style and dimensions of such boiler and furnace, together with the height and size of stack or chimney and the method or device to be adopted for preventing the emission of soot, black or dense gray smoke therefrom.

§ 4. The owner or owners, lessees, agent or operators of any locomotive, or the general manager, superintendent, yardmaster, engineer, fireman or other officer or employe having in charge or control, or assisting in, causing or directing the operating of any locomotive, railroad or other engine named in section 1 herein, and the owner, agent, lessee or occupant of any building or structure within the city of Louisville, other than excepted in section 1 of this ordinance, who shall cause, permit or allow soot, black or dense gray smoke to be emitted therefrom, contrary to the provisions of this ordinance, shall be guilty of creating a public nuisance and of violating the provisions of this ordinance.

§ 5. Every boiler or furnace, locomotive, railroad engine or other engine named in section 1 of this ordinance used within the corporate limits of the city of Louisville, and in which bituminous coal is used as fuel, shall, under the provisions of this ordinance, be so constructed or altered and have attached thereto such efficient preventives, or shall otherwise use and operate such appliances or fuel in such manner and of the kind as shall fully comply with all the provisions of the ordinance herein. And no person or persons, company or corporation being the owner or lessee or having the charge or control of any such steam boiler or other furnace or locomotives, etc., shall use or allow the use of the same in the city of Louisville, unless he or they comply with the provisions of this ordinance.

§ 6. Every person having charge of the igniting, feeding, stoking or attending to any such steam boiler or other furnace, or any smoke preventives attached thereto, shall so ignite such furnace fire that soot, black or dense gray smoke shall not issue therefrom for a longer period than during the period of ignition, which shall not exceed one hour, and shall stoke, feed or

attend such furnace fire and shall keep such furnace and smoke preventives attached thereto in good and efficient order, so that soot, black or dense gray smoke shall not be produced or emitted therefrom, except for periods not to exceed three minutes in duration at intervals of not less than thirty minutes during the time such furnaces fires are in operation.

§ 7. It shall be the duty of the Inspector of Buildings and his assistants to investigate and inspect chimneys and other appliances named in this ordinance for the escape of soot and smoke, and when from personal knowledge or from any other source the Inspector or any of his assistants obtains information that any provision of this ordinance has been or is being violated, the Inspector of Buildings himself or by one of his assistants, shall lodge complaint with the City Court against any and all who are guilty of said violation. It shall be the duty of the Inspector of Buildings in all prosecutions for the violation of the provisions of this ordinance, whether said prosecution be instituted by himself or by one of his assistants or by others, to assist the officer actively engaged in representing the city of Louisville in said prosecutions in preparing said cases for trial. It shall be the duty of the Inspector of Buildings to keep in his office a daily record of all the acts of himself and his assistants in the discharge of the duties imposed by this ordinance, which record shall at all times be open to public inspection.

§ 8. The provisions of this ordinance shall not apply to any building, establishment or premises where there is no known practicable device, appliance, means or method by the application of which to said building, establishment or premises the emission or discharge of dense smoke or soot therefrom into the open air could have been or can be prevented. Provided, however, that said immunity to such building, establishment or premises shall continue, so long only, as there is no known practical device, appliance, means or method by the application of which to such building, establishment or premises the emission or discharge of dense smoke or soot therefrom into the open air could have been or can be prevented.

§ 9. In case of a disagreement between the Inspector of Buildings and any person, firm or corporation as to the practicability of the use of any device, appliance, means or method for the purpose of preventing the emission or discharge or discharge of dense smoke from the premises of any person, firm or corporation, then an appeal shall lie from the decision of the Inspector of Buildings to the Board of Public Safety.

§ 10. Any person violating any of the provisions of this ordinance shall be punished by a fine of not less than ten dollars,

nor more than one hundred dollars for each offense, and each day upon which any of the provisions hereof are violated shall constitute a distinct and separate offense.

§ 11. An ordinance approved April 7, 1908, entitled, "An ordinance to prevent the emission of soot, black or dense gray smoke from smokestacks, chimneys and all other smoke-emitting stacks, within the city of Louisville, including locomotives, railroad engines and engines used and employed in house and street construction work in the city of Louisville," and all other ordinances and parts of ordinances in conflict herewith are hereby repealed.

§ 12. This ordinance shall take effect and be in force from and after its passage.

Approved January 27, 1909.

STAGNANT WATER.

AN ORDINANCE concerning the removal of stagnant water from vacant lots in the city of Louisville.

Be it ordained by the General Council of the city of Louisville:

§ 1. Any vacant lot or lots containing stagnant water, or other matter of substance deleterious to health, upon inspection and condemnation by the health officer, or on the petition of two-thirds of the property owners, renters, or residents upon the square or block in which said stagnant water, or other matter or substance deleterious to health, may exist or is located, shall be removed and abated under the direction and supervision of the Board of Public Works. The Board of Public Works, on the request of the health officer, shall give the owner of said lot or lots containing the said nuisance, or his agent, if any, ten days' notice to remove or abate such nuisance, under the direction and supervision of the Board of Public Works; and if the said owner, after being given notice as aforesaid, shall fail to abate or remove such nuisance, he or she shall be fined not less than ten nor more than twenty-five dollars for each day's continuance of the nuisance, to be recovered as provided by law for the violation of other ordinances.

§ 2. All costs and expenses necessarily incurred by the city of Louisville in removing or abating any such nuisance, after notice, and upon the failure of the owner to remove or abate the same, as provided in the first section of this ordinance, shall

be paid by such owner into the city treasury, and in default of his doing so, suit shall be instituted by the city attorney to recover the amount for the city in any court having jurisdiction thereof.

§ 3. The ordinance entitled "An ordinance concerning the removal of stagnant water from lots in the city of Louisville," approved August 7, 1871, is hereby repealed.

§ 4. This ordinance shall not repeal, or affect in any way, the ordinance entitled "An ordinance empowering and authorizing the health officer to order the removal, abatement, or prevention of any and every sanitary nuisance in the city of Louisville," approved December 24, 1895.

§ 5. This ordinance shall take effect from and after its passage and publication.

Approved March 20, 1897.

STANDARD TIME.

AN ORDINANCE establishing a standard or railroad time as the system of time in the city of Louisville.

Be it ordained by the General Council of the city of Louisville:

§ 1. That hereafter standard or railroad time shall be the system of time in the city of Louisville, and the City Hall clock and all other city clocks or timepieces shall be regulated thereby.

§ 2. This ordinance shall take effect from and after its passage.

Approved September 16, 1895.

STOCK LAW.

AN ORDINANCE prohibiting horses, mules, cows, sheep, hogs, or goats from running at large in the city of Louisville.

Be it ordained by the General Council of the city of Louisville:

1. That it shall be unlawful for any horse, mule, cow, sheep, hog, or goat to be at large in any of the streets, lanes, highways, commons, or alleys of the city of Louisville.

§ 2. The Mayor of the city of Louisville shall provide two pounds, one in the Eastern and one in the Western district of the city, for the purpose of carrying out the purposes of this ordinance.

§ 3. Any person finding any horse, mule, cow, sheep, hog, or goat running at large in any of the streets, lanes, highways, alleys, or commons of the city of Louisville, may drive, lead, or carry the same to one of the pounds provided for herein, and there deliver it to the keeper of said pound, who shall at once impound and safely keep it until called for and redeemed by its owner; the person driving, leading, or carrying said animal to the pound shall receive the sum of one dollar for so doing, which shall be charged against the animal, and paid by its owner when redeemed.

§ 4. In addition to the one dollar paid to the person delivering the animal to the pound, the keeper shall charge fifty cents for the first day or part of the day the animal is impounded, and twenty-five cents for each succeeding day or part of day it remains in the pound unredeemed by its owner.

§ 5. The owner of any animal impounded, as herein provided, may redeem the same by paying the keeper of the pound all the legal costs and charges against the same.

§ 6. All laws or parts of laws or ordinances on the subject of estrays in the city of Louisville are hereby repealed.

§ 7. This ordinance to go into effect from and after its approval by the Mayor.

Approved September 16, 1895.

STONE FROM KENTUCKY QUARRIES.

AN ORDINANCE to require the use of stone from Kentucky quarries in the building and improving of curbs, and in curbing and gutter-flagging in the city of Louisville.

Be it ordained by the General Council of the city of Louisville:

§ 1. That after the passage of this ordinance all contracts for building or improving curbs, and for curbing and gutter-flagging in said city, shall embrace a clause to the effect that such work shall be done with home or Kentucky rock, or stone from the quarries of this State, and no such contracts shall be made or be valid without such clause.

§ 2. This ordinance shall take effect from and after its passage.

Approved June 22, 1899.

STREET CARS.

AN ORDINANCE requiring the heating of street cars in the city of Louisville.

Be it ordained by the General Council of the city of Louisville:

§ 1. That it shall be unlawful for any person, firm, or corporation to run or operate or cause to be run or operated any street-car along, on, or over any of the streets of the city of Louisville between the first day of November of any year, and the first day of April of the succeeding year, without providing for heating such cars with electricity, or otherwise, so as to keep the temperature inside of such cars comfortable for passengers therein.

§ 2. That any person, firm, or corporation that shall violate any provision of the first section of this ordinance shall be fined not less than \$20, nor more than \$100 for each offense, and for each day for each car that may be so run without being heated as aforesaid shall be a separate offense.

§ 3. That the president and each of the officers or directors of any corporation, or any person, or the members of any firm controlling said car or cars and permitting the same to be run in violation of this ordinance, shall be subject to the same fine as provided in section 2 thereof.

§ 4. That the policemen of the city of Louisville shall cause any car being run or operated in violation of this ordinance to be returned to the stable or car shed at once.

§ 5. That this ordinance shall take effect from and after October 31, 1902.

Approved January 13, 1902.

STREET RAILWAYS.

Prohibiting Riding on Steps, Jumping On or Off Without Intending to be a Passenger.

Be it ordained by the General Council of the city of Louisville:

§ 1. That no person (not an employe) shall ride upon the steps of any street car, nor shall any such person ride upon the car, or jump on and off the car without being or intending to be a passenger.

§ 2. Any person violating any of the provisions of this ordinance shall be fined not less than two dollars nor more than ten dollars for each offense.

§ 3. This ordinance shall take effect from its publication.

Approved July 13, 1896.

STREET RAILWAY.

AN ORDINANCE concerning the speed of rapid transit cars.

Be it ordained by the General Council of the city of Louisville:

§ 1. That it shall be unlawful for any rapid transit street railway car, operated by electricity, cable or other motive power to run at a speed greater than nine (9) miles per hour, between the Ohio river on the north, Broadway on the south, First street on the east, and Tenth street on the west.

§ 2. Outside of the boundary named, and within the city limits, it shall be unlawful to run at a speed greater than twelve (12) miles per hour.

§ 3. Any violation of this ordinance will be subject to a fine of not less than five dollars nor more than ten dollars.

§ 4. This ordinance shall take effect from and after its passage.

Approved October 8, 1895.

TAXES.

Appropriations—Partial.

AN ORDINANCE making partial appropriations for the fiscal year ending August 31, 1908, viz: For the months of September, October, November and December, 1907.

Be it ordained by the General Council of the city of Louisville:

§ 1. That there are hereby appropriated out of the revenue and sums borrowed or to be borrowed for the fiscal year ending August 31, 1908, the following sums for the first four months of the fiscal year, viz: September, October, November and December, 1907, for the following purposes, to-wit:

Police purposes	\$138,000 00
Fire Department	135,650 00
Street cleaning	64,000 00
Sewer cleaning	4,700 00
Reconstruction streets	23,000 00
Repairing streets	53,000 00
Sewer construction	5,000 00
Sewer repairs	3,500 00
Home for Aged and Infirm	8,000 00
City Hospital	38,000 00
Eruptive Hospital	3,000 00
Workhouse	11,000 00
Assessor's Department	9,750 00
Board of Public Safety	3,000 00
Board of Public Works	4,000 00
City officers	23,000 00
City Hall expenses	5,000 00
Cisterns	1,100 00
Cemeteries	240 00
City pounds	440 00
Engineer's Department	11,000 00
Gasoline lights	3,000 00
Incidental expenses	30,000 00
Insurance	200 00
Inspector of Buildings	1,640 00
Police Court	8,000 00
Printing and stationery	7,500 00
Pumps and wells	3,000 00
Public lights	52,000 00
Receiver of Taxes	4,000 00
Sanitary expenses	8,000 00
Veteran Firemen's Home	200 00
Public baths	450 00
Secret service	1,000 00
Cut-off retaining wall	6,000 00
<hr/>	
Total	\$669,370 00

§ 2. That the City Treasurer be, and he is hereby directed to set apart the full sums of the several appropriations made in the preceding section for "secret service" and insurance, out of the revenue and funds from which said appropriations are made.

§ 3. That this ordinance shall take effect from its passage.
Approved September 13, 1907.

TAXES.**Appropriations—Partial.**

AN ORDINANCE making partial appropriations for the fiscal year ending August 31, 1908, viz: For the months of September, October, November and December, 1907.

Be it ordained by the General Council of the city of Louisville:

§ 1. That there are hereby appropriated out of the revenue and sums borrowed or to be borrowed for the fiscal year ending August 31, 1908, the following sums for the first four months of said fiscal year, viz.: September, October, November, and December, 1907, for the following purposes, to-wit:

Police purposes	\$138,000 00
Fire Department	135,650 00
Street cleaning	64,000 00
Sewer cleaning	4,700 00
Reconstruction streets	50,000 00
Repairing streets	53,000 00
Sewer construction	5,000 00
Sewer repairs	3,500 00
Home for Aged and Infirm	8,000 00
City Hospital	38,000 00
Eruptive Hospital	3,000 00
Warehouse	11,000 00
Assessor's Department	9,750 00
Board of Public Safety	3,000 00
Board of Public Works	4,000 00
City officers	23,000 00
City Hall expenses	5,000 00
Cisterns	1,100 00
Cemeteries	240 00
City pounds	440 00
Engineer's Department	11,000 00
Gasoline lights	3,000 00
Incidental expenses	30,000 00
Insurance	200 00
Inspector of Buildings	1,640 00
Police Court	8,000 00
Printing and stationery	7,500 00
Pumps and wells	3,000 00
Public lights	52,000 00

Receiver of Taxes	4,000 00
Sanitary expenses	8,000 00
Veteran Firemen's Home	200 00
Public baths	450 00
Secret service	1,000 00
Cut-off retaining wall	6,000 00

Total\$696,370 00

§ 2. That the City Treasurer be, and he is hereby directed to set apart the full sums of the several appropriations made in the preceding section for "Secret Service" and Insurance, out of the revenue and funds from which said appropriations are made.

§ 3. That an ordinance entitled "An ordinance making partial appropriations for the fiscal year ending August 31, 1908, viz.: for the months of September, October, November and December, 1907," and all other ordinances inconsistent herewith, are hereby repealed.

§ 4. That this ordinance shall take effect from its passage.
Approved October 28, 1907.

TAXES.

Appropriations—Partial.

AN ORDINANCE making partial appropriations for the fiscal year ending August 31, 1908, viz.: For the months of September, October, November and December, 1907.

Be it ordained by the General Council of the city of Louisville:

§ 1. That there are hereby appropriated out of the revenue and sums borrowed or to be borrowed, for the fiscal year ending August 31, 1908, the following sums for the first four months of said fiscal year, viz.: September, October, November and December, 1907, for the following purposes, to-wit:

Police purposes	\$138,000 00
Fire Department	135,650 00
Street cleaning	95,000 00
Sewer cleaning	4,700 00

Reconstruction streets	50,000 00
Repairing streets	53,000 00
Sewer construction	5,000 00
Sewer repairs	3,500 00
Home for Aged and Infirm	8,000 00
City Hospital	38,000 00
Eruptive Hospital	3,000 00
Workhouse	11,000 00
Assessor's Department	9,750 00
Board of Public Safety	3,000 00
Board of Public Works	4,000 00
City officers	23,000 00
City Hall expenses	5,000 00
Cisterns	1,100 00
Cemeteries	240 00
City pounds	440 00
Engineer's Department	11,000 00
Gasoline lights	3,000 00
Incidental expenses	30,000 00
Insurance	200 00
Inspector of Buildings	1,640 00
Police Court	8,000 00
Printing and stationery	7,500 00
Pumps and wells	3,000 00
Public lights	52,000 00
Receiver of Taxes	4,000 00
Sanitary expenses	8,000 00
Veteran Firemen's Home	200 00
Public baths	450 00
Secret service	1,000 00
Cut-off retaining wall	6,000 00

Total\$727,370 00

§ 2. That the City Treasurer be, and he is hereby directed to set apart the full sums of the several appropriations made in the preceding section for "Secret Service" and Insurance, out of the revenue and funds from which said appropriations are made.

§ 3. That an ordinance entitled "An ordinance making partial appropriations for the fiscal year ending August 31, 1908, viz.: for the months of September, October, November and December, 1907," and all other ordinances inconsistent therewith, are hereby repealed.

§ 4. That this ordinance shall take effect from its passage.
Approved December 16, 1907.

TAXES.

Appropriations.

AN ORDINANCE making appropriations for the fiscal year ending August 31, 1908.

Be it ordained by the General Council of the city of Louisville:

§ 1. That there are hereby appropriated for the specific purposes the several sums out of the ninety-five (95) per cent. of the estimated revenue from the respective levies made for the current fiscal year ending August 31, 1908, as set forth in the following sections of this ordinance for said fiscal year:

§ 2. For police purposes from the levy for such purpose	\$235,000 00
§ 3. For the Fire Department from the levy therefor	240,000 00
§ 4. For street cleaning from the levy for street and sewer cleaning	130,000 00
§ 5. For sewer cleaning from the levy for street and sewer cleaning	10,000 00
§ 6. For reconstruction of streets from the levy for that purpose	105,000 00
§ 7. For street repairs from the levy for that purpose	80,000 00
§ 8. For sewer construction from the levy for the construction and repair of sewers . . .	7,000 00
§ 9. For sewer repairs from the levy for the construction and repair of sewers . . .	4,000 00
§ 10. For the following purposes from the levy for charitable institutions, viz:	
(1) Home for Aged and Infirm	\$12,000 00
(2) City Hospital	52,000 00
(3) Eruptive Hospital	5,000 00
(4) Workhouse	16,000 00—
§ 11. For the following purposes from the levy for general purposes, viz:	85,000 00
Annex to City Hall	\$30,000 00
Assessor's Department.	17,000 00
Auditor's Department	1,000 00
Board of Public Safety	6,500 00
Board of Public Works	8,000 00
Cemeteries	500 00
Cisterns	3,000 00

City Buyer's Department	2,000 00	
City Hall Expenses	11,000 00	
City officers	20,252 11	
City pounds	900 00	
Comptroller's department	2,500 00	
Construction of flush hydrants	4,000 00	
Cut-off retaining wall	6,700 00	
Electrical Inspector	500 00	
Engineer's Department	23,000 00	
Gas Inspector	1,000 00	
Gasoline lights	5,500 00	
Incidental expenses	50,000 00	
Inspector of Buildings	6,000 00	
Insurance	1,000 00	
Interest on city's notes	2,500 00	
Law Department	8,000 00	
Legislative Department	1,500 00	
Mayor's Department	3,000 00	
Oak-street viaduct	43,000 00	
Plumbing Department	400 00	
Police Court	15,000 00	
Printing and Stationery	17,000 00	
Public baths	1,200 00	
Public lights	40,000 00	
Pumps and wells	4,000 00	
Receiver of Taxes	8,500 00	
Sanitary expenses	10,000 00	
Secret Service	1,800 00	
Smoke Inspector	800 00	
Supervision of original construction	10,000 00	
Treasurer's Department	1,700 00	
Veteran Firemen's Home	800 00	
Weights and Measures' Department	1,000 00—	370,552 11

§ 12. That in addition to the sum appropriated in Section 11 of this ordinance for public lights, there is also appropriated for that purpose the amount of dividend No. 38, estimated at \$32,375.00, and also dividend No. 39, estimated at \$32,375.00, or for whatever sum may be declared during the current fiscal year on the city's stock in the Louisville Gas Company 64,750 00

Grand total of appropriations for all purposes \$1,331,302 11

§ 13. That the City Treasurer be, and he is hereby authorized and directed to set apart the full amounts of the several appropriations in Section 11 of this ordinance for insurance, interest on city's notes and secret service out of the collections of taxes under the levy for the current fiscal year for general purposes.

§ 14. That the ordinance entitled "An ordinance making partial appropriations for the fiscal year ending August 31, 1908, viz., for the months of September, October, November and December, 1907," and approved December 16, 1907, and all other ordinances inconsistent herewith are hereby repealed.

§ 15. That this ordinance shall take effect from and after its passage.

Approved January 25, 1908.

TAXES.

Appropriations.

AN ORDINANCE making appropriations for the fiscal year ending August 31, 1908.

Be it ordained by the General Council of the city of Louisville:

§ 1. That there are hereby appropriated for the specific purposes the several sums out of the ninety-five (95) per cent. of the estimated revenue from the respective levies made for the current fiscal year ending August 31, 1908, as set forth in the following sections of this ordinance, for said fiscal year:

§ 2. For Police Purposes from the levy for such purpose	\$260,000 00
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§ 3. For the Fire Department from the levy therefor	240,000 00
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§ 4. For Street Cleaning from the levy for Street and Sewer Cleaning	130,000 00
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§ 5. For Sewer Cleaning from the levy for Street and Sewer Cleaning	10,000 00
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§ 6. For Reconstruction of Streets from the levy for that purpose	170,000 00
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§ 7. For Street Repairs from the levy for that purpose	110,000 00
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§ 8. For Sewer Construction from the levy for the Construction and Repair of Sewers	7,000 00
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§ 9. For Sewer Repairs from the levy for the Construction and Repair of Sewers 4,000 00

§ 10. For the following purposes from the levy for Charitable Institutions, viz.

(1) Home for Aged and Infirm	\$15,000 00	
(2) City Hospital	60,000 00	
(3) Eruptive Hospital	5,000 00	
(4) Workhouse	19,000 00—	99,000 00

§ 11. For the following purposes from the levy for General Purposes, viz.:

Annex to City Hall	\$38,000 00
Assessor's Department	17,000 00
Auditor's Department	1,000 00
Board of Public Safety	6,500 00
Board of Public Works	8,000 00
Cemeteries	500 00
Cisterns	3,000 00
City Buyer's Department	2,000 00
City Hall expenses	11,000 00
City officers	20,252 11
City pounds	900 00
Comptroller's Department	2,500 00
Construction of flush hydrants	4,000 00
Cut-off retaining wall	6,700 00
Electrical Inspector	500 00
Electrical Department	23,000 00
Gas Inspector	1,000 00
Gasoline lights	5,500 00
Incidental expenses	50,000 00
Inspector of Buildings	6,000 00
Insurance	1,000 00
Interest on city's notes	1,988 24
Law Department	8,000 00
Legislative Department	2,000 00
Mayor's Department	3,000 00
Oak street viaduct	43,000 00
Plumbing Department	450 00
Police Court	15,000 00
Printing and stationery	17,000 00
Public baths	1,200 00
Public lights	40,000 00
Pumps and wells	4,000 00
Receiver of Taxes	8,500 00
Sanitary expenses	15,200 00

Secret service	1,800 00	
Smoke Inspector	800 00	
Supervision of original construction.	10,000 00	
Treasurer's Department	1,700 00	
Veteran Firemen's Home	800 00	
Weights and Measures Department..	1,000 00—	383,790 35

§ 12. That in addition to the sum appropriated in section 11 of this ordinance for Public Lights, there is also appropriated for that purpose the amount of dividend No. 38, amounting to \$32,375.00, and also dividend No. 39, estimated at \$32,375.00, or for whatever sum may be declared during the current fiscal year on the city's stock in the Louisville Gas Company 64,750 00

Grand total of appropriations for all purposes \$1,478,540 35

§ 13. That the City Treasurer be, and he is hereby authorized and directed to set apart the full amounts of the several appropriations in Section 11 of this ordinance for Insurance, Interest on City's Notes and Secret Service, out of the collection of taxes under the levy for the current fiscal year for General Purposes.

§ 14. That the ordinance entitled, "An ordinance making appropriations for the fiscal year ending August 31, 1908." and approved January 25, 1908, and all other ordinances inconsistent herewith, are hereby repealed.

§ 15. That this ordinance shall take effect from and after its passage.

Approved March 25, 1908.

TAXES.

Appropriations.

AN ORDINANCE making appropriations for the fiscal year, ending August 31, 1908.

Be it ordained by the General Council of the city of Louisville:

§ 1. That there are hereby appropriated for the specific purposes the several sums out of the estimated revenues from

the levy made for the current fiscal year and cash collections, as set forth in the following sections of this ordinance, for the current fiscal year, ending August 31, 1908:

§ 2. For Police Purposes:

(a)	Out of the 95 per cent. of the estimated revenue from the levy for the current fiscal year for said purposes	\$ 326,447 55
(b)	Out of the unexpended cash collections for said department over 95 per cent. from levies for years prior to 1906..	5,905 90
(c)	Out of the unexpended cash collections for said department, under 95 per cent. from levies for years prior to 1908, re-appropriated	47,646 55
Total for Police Purposes ...		\$ 380,000 00

§ 3. For Fire Department:

(a)	Out of the 95 per cent. of the estimated revenue from the levy for the current fiscal year for said department	\$ 356,124 60
(b)	Out of the unexpended cash collections for said department over 95 per cent. from levies for years prior to 1906..	6,092 58
(c)	Out of the unexpended cash collections for said department under 95 per cent. from levies for years prior to 1908, re-appropriated	20,782 82
Total for Fire Department...		\$ 383,000 00

§ 4. For Street Cleaning:

Out	of the 95 per cent. of the estimated revenue from the levy for the current fiscal year for street and sewer cleaning....	\$ 183,400 82
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§ 5. For Sewer Cleaning:

(a)	Out of the 95 per cent. of the estimated revenue from the	
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levy for the current fiscal year for street and sewer cleaning	9,500 00	
(b) Out of the unexpended cash collections for street and sewer cleaning over the 95 per cent. from levies for years cent. prior to 1906	2,730 27	
(c) Out of the unexpended cash collections for street and sewer cleaning under the 95 per cent. from levies for years prior to 1908	5,769 73	
Total for Sewer Cleaning....		\$18,000 00

§ 6. For Reconstruction of Streets:

(a) Out of the 95 per cent. of the estimated revenue from the levy for the current fiscal year for said purpose	\$ 178,062 30	
(b) Out of the unexpended cash collections for said purpose over the 95 per cent. from levies for years prior to 1906....	2,510 58	
(c) Out of the unexpended cash collections for said purpose under the 95 per cent. from levies for years prior to 1908, re-appropriated	16,989 42	
Total for reconstruction of streets		\$ 197,562 30

§ 7. For Repairing Streets:

(a) Out of the 95 per cent. of the estimated revenue from the levy for the current fiscal year for said purpose	\$ 118,708 20	
(b) Out of the unexpended cash collections for said purpose over the 95 per cent. from levies for years prior to 1906....	1,483 86	
(c) Out of the unexpended cash collections for said purpose under the 95 per cent. from		

levies for years prior to 1908, reappropriated	7,016 14	
Total for Repairing Streets..		\$ 127,208 20
§ 8. For Sewer Construction: Out of the 95 per cent. of the es- timated revenue from the levy for the current fiscal year for sewer construction and repairs		\$ 6,928 89
§ 9. For Sewer Repairs: Out of the 95 per cent. of the es- timated revenue from the levy for the current fiscal year for sewer construction and repairs		4,200 00
§ 10. For Home for Aged and Infirm: Out of the 95 per cent. of the estimated revenue from the levy for the current fiscal year for charitable institutions ..		\$ 20,500 00
§ 11. For City Hospital:		
(a) Out of the 95 per cent. of the estimated revenue from the levy for the current fiscal year for charitable institutions....\$	57,288 94	
(b) Out of the unexpended cash collections for charitable insti- tutions over the 95 per cent. from levies for years prior to 1906	2,218 06	
(c) Out of the unexpended cash collections for charitable in- stitutions under the 95 per cent. from levies for years prior to 1908, re-appropriated	18,493 00	
Total for City Hospital.....		\$ 78,000 00
§ 12. For Eruptive Hospital: Out of the 95 per cent. of the es- timated revenue from the levy for the current fiscal year for charitable institutions		\$ 6,500 00

§ 13. For Work House:

Out of the 95 per cent of the estimated revenue from the levy for the current fiscal year for charitable institutions

\$ 27,000 00

§ 14. For General Purposes:

The fund available for appropriations is made up as follows:

(a) The 95 per cent. of the estimated revenue for the current fiscal year from the levy for said purposes	\$ 445,155 75
(b) Unexpended cash collections from levies for said purposes prior to 1906, and being over the 95 per cent.	21,264 33
(c) Unexpended cash collections from levies for said purposes prior to 1908, and being under the 95 per cent. re-appropriated	15,351 04
(d) Cash from City Departments	62,491 99
(e) From Court costs	2,822 64
(f) From franchises	3,943 90
(g) From Dividend No. 38 on City's Gas stock, amounting to	32,375 00
From Dividend No. 39 on City's Gas stock, estimated at	32,375 00
Making a total for General Purposes of	\$ 615,779 65

Which is appropriated as follows:

Annex to City Hall	\$ 43,000 00
Assessor's Department	22,581 89
Auditor's Department	1,833 28
Board of Public Safety	9,474 88
Board of Public Works	11,865 72
Cemeteries	720 00
Cisterns	4,500 00
City Buyer's Department	3,959 58
City Hall expenses	17,000 00
City officers	20,252 11
City pounds	1,320 00
Controller's Department	4,333 20
Construction of flush hydrants..	4,000 00

Cut-off retaining wall	6,700 00
Electrical Inspector	1,000 00
Engineer's Department	33,200 00
Gas Inspector	939 65
Gasoline lights	5,500 00
Incidental expenses	80,000 00
Inspector of Buildings	4,900 00
Insurance	1,000 00
Interest on City's notes	1,988 24
Law Department	14,719 92
Legislative Department	3,216 56
Mayor's Department	5,346 56
Oak-street viaduct	53,000 00
Plumbing Department	950 00
Police Court	23,600 00
Printing and stationery	21,000 00
Public baths	1,600 00
Public lights, including dividends on Gas stock	154,750 00
Pumps and wells	8,400 00
Receiver of Taxes	11,444 79
Sanitary expenses	25,000 00
Secret Service	1,800 00
Smoke Inspector	500 00
Supervision of original construc- tion	5,500 00
Treasurer's Department	3,333 30
Veteran Firemen's Home	800 00
Weights and Measures Department	749 97

Total for General Purposes ..	\$ 615,779 65
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Grand Total of Appropria- tions for all purposes ..	\$2,048,079 86
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§ 15. That the City Treasurer be and he is hereby authorized and directed to set apart the full amounts of the several appropriations in section 14 of this ordinance for insurance, interest on city's notes and secret service, out of the collections of taxes under the levy for the current fiscal year for general purposes.

§ 16. That the ordinance entitled "An ordinance making appropriations for the fiscal year, ending August 31, 1908," approved March 25, 1908, and all other ordinances in conflict herewith are hereby repealed.

§ 17. That this ordinance shall take effect from its passage.
Approved May 25, 1908.

TAXES.**Appropriations.**

AN ORDINANCE making appropriations for the fiscal year ending August 31, 1908.

Be it ordained by the General Council of the city of Louisville:

§ 1. That there are hereby appropriated for the specific purposes the several sums out of the estimated revenues from the levy made for the current fiscal year and cash collections, as set forth in the following sections of this ordinance, for the current fiscal year ending August 31, 1908:

§ 2. For Police Purposes:

(a)	Out of the 95 per cent. of the estimated revenue from the levy for the current fiscal year for said purpose	\$ 326,447 55
(b)	Out of the unexpended cash collections for said department over 95 per cent. from levies for years prior to 1906..	5,905 90
(c)	Out of the unexpended cash collections for said department over 95 per cent. from levies for years prior to 1907	4,821 58
(d)	Out of the unexpended cash collections for said department under 95 per cent. levies for years prior to 1908, reappropriated	47,646 55
Total for Police Purposes....		\$ 384,821 58

§ 3. For Fire Department:

(a)	Out of the 95 per cent. of the estimated revenue from the levy for the current fiscal year for said department	356,124 60
(b)	Out of the unexpended cash collections for said department over 95 per cent. from levies for years prior to 1906	6,092 58

(c) Out of the unexpended cash collections for said department over 95 per cent. from levies for years prior to 1907	5,076 39	
(d) Out of the unexpended cash collections for said department under 95 per cent. from levies for years prior to 1908, re-appropriated	20,782 82	
Total for Fire Department..		\$ 388,076 39
§ 4. For Street Cleaning:		
(a) Out of the 95 per cent. of the estimated revenue from the levy for the current fiscal year for street and sewer cleaning.\$	185,700 82	
(b) There is also appropriated for street cleaning a part of the cash on hand to the credit of "Cash from City Departments," same being a part of the General Purpose Fund ..	5,700 00	
Total for Street Cleaning ..		\$ 191,400 82
§ 5. For Sewer Cleaning:		
(a) The remainder of the 95 per cent. of the estimated revenue from the levy for the current fiscal year for Street and Sewer Cleaning	\$ 7,200 00	
(b) Out of the unexpended cash collections for street and sewer cleaning over the 95 per cent. from levies for years prior to 1906	2,730 27	
(c) Out of the unexpended cash collections for Street and Sewer Cleaning over the 95 per cent. from levies for years prior to 1907	2,314 94	
(d) Out of the unexpended cash collections for Street and Sewer Cleaning under the 95		

per cent. from levies for years prior to 1908	5,769 73
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Total for Sewer Cleaning....	\$ 18,014 94
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§ 6. For Reconstruction of Streets:

(a) Out of the 95 per cent. of the estimated revenue from the levy for the current fiscal year for said purpose	\$ 178,062 30
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(b) Out of the unexpended cash collections for said purpose over the 95 per cent. from lev- ies for years prior to 1906..	2,510 58
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(c) Out of the unexpended cash collections for said purpose over the 95 per cent. from lev- ies for years prior to 1907....	2,085 73
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(d) Out of the unexpended cash collections for said purpose under the 95 per cent. from levies for years prior to 1908, reappropriated	16,989 42
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Total for Reconstruction of Streets	\$ 199,648 03
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§ 7. For Repairing Streets:

(a) Out of the 95 per cent. of the estimated revenue from the levy for the current fiscal year for said purpose	\$ 118,708 20
--	---------------

(b) Out of the unexpended cash collections for said purpose over the 95 per cent. from levies for years prior to 1906	1,483 86
--	----------

(c) Out of the unexpended cash collections for said purpose over the 95 per cent. from levies for years prior to 1907	1,314 25
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(d) Out of the unexpended cash collections for said purpose under the 95 per cent. from	
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levies for years prior to 1908,
reappropriated 7,016 14

Total for Repairing Streets.. \$ 128,522 45

§ 8. For Sewer Construction:
Out of the 95 per cent. of the es-
timated revenue from the levy
for the current fiscal year for
sewer construction and repairs \$ 6,928 89

§ 9. For Sewer Repairs:
The remainder of the 95 per cent.
of the estimated revenue
from the levy for the current
fiscal year for sewer construc-
tion and repairs \$ 4,200 00

§ 10. For Home for Aged and
Infirm:
(a) Out of the 95 per cent. of the
estimated revenue from the
levy for the current fiscal
year for Charitable Institu-
tions\$ 20,500 00
(b) Out of the unexpended cash
collections for Charitable In-
stitutions over the 95 per
cent. from levies for years
prior to 1907 1,852 73

Total for Home for Aged and
Infirm \$ 22,352 73

§ 11. For City Hospital:
(a) Out of the 95 per cent. of the
estimated revenue from the
levy for the current fiscal year
for Charitable Institutions ..\$ 57,288 94
(b) Out of the unexpended cash
collections for Charitable In-
stitutions over the 95 per cent.
from levies for years prior to
1906 2,218 06
(c) Out of the unexpended cash
collections for Charitable In-
stitutions under the 95 per

	cent. from levies for years prior to 1908, reappropriated	18,493 00	
(d)	There is also appropriated for City Hospital a part of the cash on hand to the credit of "Cash from City Departments," same being a part of the General Purpose Fund ..	10,000 00	
	Total for City Hospital		\$ 88,000 00
§ 12. For Eruptive Hospital:			
Out	of the 95 per cent. of the estimated revenue from the levy for the current fiscal year for Charitable Institutions		\$ 6,500 00
§ 13. For Workhouse:			
The	remainder of the 95 per cent. of the estimated revenue from the levy for the current fiscal year for Charitable Institutions		\$ 27,000 00
§ 14. For General Purposes:			
The fund available for appropriation is made up as follows:			
(a)	The 95 per cent. of the estimated revenue for the current fiscal year from the levy for said purposes	\$ 445,155 75	
(b)	Unexpended cash collections from levies for said purposes prior to 1906 and being over the 95 per cent.	21,264 33	
(c)	Unexpended cash collections from levies for said purpose prior to 1907, and being over the 95 per cent.	13,352 42	
(d)	Unexpended cash collections from levies for said purposes prior to 1908, and being under the 95 per cent., reappropriated	15,351 04	
(e)	Cash from City Departments	62,491 99	
	Cash from City Departments	18,696 54	

Less amount appropriated to street cleaning (see § 4).....	5,700 00	
Less amount appropriated to City Hospital (see § 11) \$10,000.00		
\$15,700.00	2,996 54	65,488 53
(f) From Court costs	2,822 64	
	1,362 00—	\$4,184 64
(g) From franchises	3,943 90	
	1,238 40—	5,182 30
(h) From Dividend No. 38 on City's Gas stock, amounting to	32,375 00	
From Dividend No. 39, on City's Gas stock, amounting to	27,750 00—	60,125 00
		<hr/>
Making a total for General Purposes of		\$ 630,104 01
Which is appropriated as follows:		
Annex to City Hall	\$ 43,000 00	
Assessor's Department	22,581 89	
Auditor's Department	2,133 28	
Board of Public Safety	9,474 88	
Board of Public Works	11,857 39	
Cemeteries	720 00	
Cisterns	4,500 00	
City Buyer's Department	3,959 58	
City Hall expenses	17,000 00	
City officers	20,252 11	
City pounds	1,320 00	
Comptroller's Department	4,333 20	
Construction of flush hydrants ..	4,000 00	
Cut-off retaining wall	6,678 03	
Electrical Inspector	750 00	
Engineer's Department	33,200 00	
Gas Inspector	934 67	
Gasoline lights	5,439 37	
Incidental expenses	94,985 73	
Inspector of Buildings	5,850 00	
Insurance	611 24	
Interest on City's notes	1,988 24	
Law Department	14,936 58	
Legislative Department	3,216 56	
Mayor's Department	5,346 56	
Oak-street viaduct	53,000 00	
Plumbing Department	716 64	

Police Court	23,065 00	
Printing and stationery	21,000 00	
Public baths	1,600 00	
Public lights, including dividends on Gas stock	155,125 00	
Pumps and wells	8,400 00	
Receiver of Taxes	11,444 79	
Sanitary expenses	24,000 00	
Secret Service	1,800 00	
Smoke Inspector	500 00	
Supervision of original construc- tion	5,500 00	
Treasurer's Department	3,333 30	
Veteran Firemen's Home	800 00	
Weights and Measures Department	749 97	
Total for General Purposes..		\$ 630,104 01
Grand Total of Appropriations for All Purposes		\$2,095,569 89

§ 15. That the City Treasurer be and he is hereby authorized and directed to set apart the full amounts of the several appropriations in section 14 of this ordinance for insurance, interest on city's notes and secret service, out of the collections of taxes under the levy for the current fiscal year for general purposes.

§ 16. That the ordinance entitled, "An Ordinance making appropriations for the fiscal year ending August 31, 1908," approved May 25, 1908, and all other ordinances in conflict herewith are hereby repealed.

§ 17. That this ordinance shall take effect from its passage. Approved August 10, 1908.

TAXES.

AN ORDINANCE making partial appropriations for the fiscal year ending August 31, 1909, viz.: For the months of September, October, November and December, 1908.

Be it ordained by the General Council of the city of Louisville:

§ 1. That there are hereby appropriated out of the revenue and sums borrowed or to be borrowed, for the fiscal year end-

ing August 31, 1909, the following sums for the first four months of said fiscal year, viz.: September, October, November and December, 1908, for the following purposes, to-wit:

Police purposes	\$133,000 00
Fire Department	126,000 00
Street cleaning	75,000 00
Sewer cleaning	10,000 00
Reconstruction of streets	75,000 00
Repairing of streets	45,000 00
Sewer construction	50,000 00
Sewer repairs	2,200 00
Home for Aged and Infirm	8,000 00
City Hospital	30,000 00
Eruptive Hospital	3,000 00
Workhouse	12,500 00
Annex to City Hall	7,500 00
Assessor's Department	10,000 00
Auditor's Department	1,400 00
Board of Public Safety	3,400 00
Board of Public Works	4,000 00
Cemeteries	300 00
Cisterns	1,000 00
City Buyer's Department	2,000 00
City Hall expenses	10,000 00
City pounds	500 00
Comptroller's Department	2,200 00
Engineer's Department	10,000 00
Gas Inspector	600 00
Incidental expenses	10,000 00
Inspector of Building's Department	4,200 00
Insurance	2,000 00
Law Department	8,300 00
Legislative Department	1,600 00
Mayor's Department	2,700 00
Oak-street viaduct	10,000 00
Police Court	8,000 00
Printing and stationery	7,000 00
Public baths	400 00
Public lights	55,000 00
Pumps and wells	2,000 00
Receiver of Taxes	4,000 00
Sanitary expenses	9,000 00
Secret Service	2,500 00
Supervision of original construction	1,800 00
Treasurer's Department	1,700 00

Veteran Firemen's Home	200 00
Weights and Measures Department	800 00
Total	\$754,400 00

§ 2. That the City Treasurer be and he is hereby directed to set apart the full sums of the several appropriations made in the preceding section for "Secret Service" and insurance out of the revenue and funds from which said appropriations are made.

§ 3. That this ordinance shall take effect from its passage.
Approved September 16, 1908.

TAXES.

Appropriations.

AN ORDINANCE making appropriations for the fiscal year ending August 31, 1909.

Be it ordained by the General Council of the city of Louisville:

§ 1. That there are hereby appropriated for the specific purposes the several sums out of the ninety-five (95) per cent. of the estimated revenue from the respective levies made for the current fiscal year ending August 31, 1909, as set forth in the following sections of this ordinance for said fiscal year:

§ 2. For police purposes, from the levy for such purpose..\$	260,000 00
§ 3. For the Fire Department, from the levy therefor	215,000 00
§ 4. For street cleaning, from the levy for street and sewer cleaning	136,000 00
§ 5. For sewer cleaning, from the levy for street and sewer cleaning	12,000 00
§ 6. For reconstruction of streets, from the levy for that purpose	202,000 00
§ 7. For street repairs, from the levy for that purpose	112,000 00
§ 8. For sewer construction, from	

the levy for the construction and repair of sewers	60,000 00	
§ 9. For sewer repairs, from the levy for the construction and repair of sewers	6,000 00	
§ 10. For the following purposes, from the levy for charitable purposes, viz:		
(1) Home for Aged and Infirm....\$	17,000 00	
(2) City Hospital..	51,000 00	
(3) Eruptive Hos- pital	4,300 00	
(4) Workhouse ..	17,000 00—	\$89,300 00
§ 11. For the following purposes, from the levy for general purposes, viz:		
Annex to City Hall	\$ 16,000 00	
Assessor's Department	18,000 00	
Auditor's Department	2,640 00	
Board of Public Safety	6,200 00	
Board of Public Works	8,000 00	
Cemeteries	500 00	
Cisterns	2,200 00	
City Buyer's Department	4,000 00	
City Hall expenses	17,000 00	
City pounds	900 00	
Comptroller's Department	4,400 00	
Engineer's Department	22,000 00	
Gas Inspector	1,200 00	
Incidental expenses	50,000 00	
Inspection of Building Depart- ment	9,000 00	
Insurance	2,000 00	
Law Department	17,000 00	
Legislative Department	3,000 00	
Mayor's Department	5,400 00	
Oak-street viaduct	20,000 00	
Police Court	16,000 00	
Printing and stationery	15,000 00	
Public baths	1,100 00	
Public lights	65,000 00	
Pumps and wells	6,200 00	
Receiver of Taxes	8,200 00	
Sanitary expenses	20,000 00	
Secret service	2,500 00	

Supervision of original construction	6,500 00
Treasurer's Department	3,500 00
Veteran Firemen's Home	500 00
Weights and Measures Department	1,500 00
Interest on city's notes	5,500 00—\$1,453,240 00

§ 12. That in addition to the sum appropriated in Section 11 of this ordinance for public lights, there is also appropriated for that purpose the amount of dividend No. 40, estimated at \$23,125.00, and also dividend No. 41, estimated at \$23,125.00, or for whatever sum may be declared during the current fiscal year on the city's stock in the Louisville Gas Company	46,250 00
Grand Total of Appropriations for All Purposes	\$1,499,490 00

§ 13. That the City Treasurer be, and he is hereby authorized and directed to set apart the full amounts of the several appropriations in Section 11 of this ordinance for insurance, interest on city's notes and secret service, out of the collection of taxes under the levy for the current fiscal year for general purposes.

§ 14. That the ordinance entitled, "An ordinance making partial appropriations for the fiscal year ending August 31, 1909, viz: for the months of September, October, November and December, 1908," and approved September 16, 1908, and all other ordinances inconsistent herewith, are hereby repealed.

§ 15. That this ordinance shall take effect from and after its passage.

Approved January 22, 1909.

TAXES.**Appropriations.**

AN ORDINANCE making appropriations for the fiscal year ending August 31, 1909.

Be it ordained by the General Council of the city of Louisville:

§ 1. That there are hereby appropriated for the specific purposes, the several sums out of the estimated revenues from the levy made for the current fiscal year, and cash collections, as set forth in the following sections of this ordinance, for the current fiscal year, ending August 31, 1909:

§ 2. For Police Purposes:

(a)	Out of the 95 per cent. of the estimated revenue from the levy for the current fiscal year for said purpose	\$ 359,236 80
(b)	Out of the unexpended cash collections for said department over the 95 per cent. from levies for years prior to 1908	9,486 58
(c)	Out of the unexpended cash collections for said department under the 95 per cent. from levies for years prior to 1909, reappropriated	16,000 00
Total for Police Purposes ...		\$ 384,723 38

§ 3. For Fire Department:

(a)	Out of the 95 per cent. of the estimated revenue from the levy for the current fiscal year for said department	321,816 30
(b)	Out of the unexpended cash collections for said department over the 95 per cent. from levies for years prior to 1908	10,219 69
(c)	Out of the unexpended cash collections for said department under the 95 per cent.	

from levies for years prior to
1909, reappropriated 24,000 00

Total for Fire Department .. \$ 356,035 99

§ 4. For Street Cleaning:

(a) Out of the 95 per cent. of the
estimated revenue from the
levy for the current fiscal
year for street and sewer
cleaning\$ 169,102 50

(b) Out of the unexpended cash
collections for street and
sewer cleaning, being over the
95 per cent. from levies for
years prior to 1908 4,914 03

(c) Out of the unexpended cash
collections for street and
sewer cleaning, being under
the 95 per cent. from levies for
years prior to 1909, reappro-
priated 14,000 00

Total for Street Cleaning \$ 188,016 53

§ 5. For Sewer Cleaning:

The remainder of the 95 per cent.
of the estimated revenue from
the levy for the current fiscal
year for street and sewer
cleaning \$ 18,000 00

§ 6. For Reconstruction of Streets:

(a) Out of the 95 per cent. of the
estimated revenue from the
levy for the current fiscal
year for said purpose\$ 202,070 70

(b) Out of the unexpended cash
collections for said purpose
over the 95 per cent. from lev-
ies for years prior to 1908.. 4,237 13

(c) Out of the unexpended cash
collections for said purpose
under the 95 per cent. from

levies for years prior to 1909, reappropriated	12,000 00
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Total for Reconstruction of Streets	\$ 218,307 83
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§ 7. For Repairing Streets:

(a) Out of the 95 per cent. of the estimated revenue from the levy for the current fiscal year for said purpose.....	\$ 112,261 50
(b) Out of the unexpended cash collections for said purpose over the 95 per cent. from levies for years prior to 1908	2,653 95
(c) Out of the unexpended cash collections for said purposes under the 95 per cent. from levies for years prior to 1909, reappropriated	8,000 00

Total for Repairing Streets ..	\$ 122,915 45
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§ 8. For Sewer Construction:

Out of the 95 per cent. of the esti- mated revenue from the levy for the current fiscal year for sewer construction and repairs	\$ 67,000 00
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§9. For Sewer Repairs:

The remainder of the 95 per cent. of the estimated revenue from the levy for the current fiscal year for sewer construction and repairs	7,841 00
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§ 10. For Home for Aged and
Infirm:

Out of the 95 per cent. of the esti- mated revenue from the levy for the current fiscal year for charitable institutions	24,000 00
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§ 11. For City Hospital:

Out of the 95 per cent. of the esti- mated revenue from the levy	
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for the current fiscal year for charitable institutions	85,500 00
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§ 12. For Eruptive Hospital: Out of the 95 per cent. of the esti- mated revenue from the levy for the current fiscal year for charitable institutions	9,500 00
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§ 13. For Workhouse:	
(a) The remainder of the 95 per cent. of the estimated revenue from the levy for the current fiscal year for charitable insti- tutions	19,455 85
(b) Out of the unexpended cash collections for charitable in- stitutions over the 95 per cent. from levies for years prior to 1908	3,679 27
(c) Out of the unexpended cash collections for charitable in- stitutions under the 95 per cent. from levies for years prior to 1909, reappropriated	2,500 00

Total for Workhouse	\$25,635 12
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§ 14. For General Purposes:

The fund available for appropriation is made up as follows:

(a) The 95 per cent. of the esti- mated revenue for the current fiscal year from the levy for said purposes	\$ 404,141 40
(b) The unexpended cash collec- tions from levies for said pur- poses prior to 1908, and being over the 95 per cent.	22,395 97
(c) The unexpended cash collec- tions from levies for said pur- poses prior to 1909, and being under the 95 per cent. reap- propriated	62,000 00
(d) Cash from city departments.	33,955 63
(e) From court costs	2,244 43
(f) From franchises	6,515 90

(g) From dividend No. 40 on city's gas stock, amounting, to	23,125 00
From dividend No. 41 on on city's gas stock, estimated at	23,125 00

Making a Total for General
Purposes

\$577,503 33

which is appropriated as follows:

Annex to City Hall	\$ 27,500 00
Assessor's Department	21,981 00
Auditor's Department	3,625 00
Board of Public Safety	8,756 60
Board of Public Works	10,980 25
Cemeteries	7,450 00
Cisterns	3,500 00
City Buyers Department	5,550 00
City Hall expenses	21,000 00
City Pounds	1,345 00
Comptroller's Department	6,000 00
Engineer's Department	32,000 00
Gas Inspector	1,800 00
Incidental expenses	85,000 00
Inspection of Buildings' Depart- Department	11,252 40
Insurance	2,500 00
Law Department	22,786 30
Legislature Department	4,200 00
Mayor's Department	7,420 00
Oak-street viaduct	22,500 00
Police Court	23,500 00
Printing and stationery	19,000 00
Public baths	1,600 00
Public lights, including dividends on gas stock	151,000 00
Pumps and wells	7,900 00
Receiver of Taxes	11,280 00
Sanitary expenses	25,500 00
Secret service	2,500 00
Supervision of original construc- tion	7,000 00
Treasurer's Department	4,600 00
Veteran Firemen's Home	900 00

Weights and Measures Department	2,220 00	
Interest on city's notes.....	5,056 78	
Livestock Inspector's Department..	800 00	
Improvements on old City Hall....	7,500 00	
		<hr/>
Total for General Purposes....		\$ 577,503 33
		<hr/>
Grand Total of Appropriations for All Purposes		\$2,084,978 63

§ 15. That the City Treasurer be, and is hereby authorized and directed to set apart the full amount of the several appropriations in Section 14 of this ordinance for insurance, interest on city's notes and secret service, out of the collections of taxes under the levy for the current fiscal year for general purposes.

§ 16. That the ordinance entitled, "An ordinance making appropriations for the fiscal year, ending August 31, 1909," approved January 22, 1909, and all other ordinances in conflict herewith, are hereby repealed.

§ 17. That this ordinance shall take effect from its passage.
Approved May 31, 1909.

TAXES.

Appropriations.

AN ORDINANCE making appropriations for the fiscal year ending August 31, 1909.

Be it ordained by the General Council of the city of Louisville:

§ 1. That there are hereby appropriated for the specific purposes, the several sums out of the estimated revenues from the levy made for the current fiscal year, and cash collections, as set forth in the following sections of this ordinance, for the current fiscal year, ending August 31, 1909:

§ 2. For Police Purposes:

(a) Out of the 95 per cent. of the
estimated revenue from the

levy for the current fiscal year for said purpose	\$ 359,236 80	
(b) Out of the unexpended cash collections for said depart- ment over the 95 per cent. from levies for years prior to 1908	9,486 58	
(c) Out of the unexpended cash collections for said department under the 95 per cent. from levies for years prior to 1909, reappropriated	16,000 00	
Total for Police Purposes		\$ 384,723 38

§ 3. For Fire Department:—

(a) Out of the 95 per cent. of the estimated revenue from the levy for the current fiscal year for said department	321,816 30	
(b) Out of the unexpended cash collections for said depart- ment over the 95 per cent. from levies for years prior to 1908	10,219 69	
(c) Out of the unexpended cash collections for said depart- ment under the 95 per cent. from levies for years prior to 1909, reappropriated	24,000 000	
Total for Fire Department..		356,035 99

§ 4. For Street Cleaning:

(a) Out of the 95 per cent. of the estimated revenue from the levy for the current fiscal year for street and sewer cleaning..	\$ 169,102 50	
(b) Out of the unexpended cash collections for street and sewer cleaning, being over the 95 per cent. from levies for years prior to 1908	4,914 03	
(c) Out of the unexpended cash collections for street and		

sewer cleaning, being under
the 95 per cent. from levies
for years prior to 1909, re-
appropriated 14,000 00

Total for Street Cleaning .. \$ 188,016 52

§ 5. For Sewer Cleaning:

The remainder of the 95 per cent.
of the estimated revenue from
the levy for the current fiscal
year for street and sewer
cleaning \$ 18,000 00

§ 6. For Reconstruction of Streets:

(a) Out of the 95 per cent. of the
estimated revenue from the
levy for the current fiscal year
for said purposes\$ 202,070 70

(b) Out of the unexpended cash
collections for said purpose
over the 95 per cent. from lev-
ies for years prior to 1908.... 4,237 13

(c) Out of the unexpended cash
collections for said purposes
under the 95 per cent. from
levies for years prior to 1909,
reappropriated 12,000 00

Total for Reconstruction of
Streets \$ 218,307 83

§ 7. For Repairing Streets:

(a) Out of the 95 per cent. of the
estimated revenue from the
levy for the current fiscal year
for said purpose 112,261 50

(b) Out of the unexpended cash
collections for said purpose
over the 95 per cent. from
levies for years prior to 1908 2,653 95

(c) Out of the unexpended cash
collections for said purposes
under the 95 per cent. from
levies for years prior to 1909,

reappropriated	8,000 00	
Total for Repairing Street	\$	122,915 45
§ 8. For Sewer Construction:		
Out of the 95 per cent. of the estimated revenue from the levy for the current fiscal year for sewer construction and repairs		67,000 00
§ 9. For Sewer Repairs:		
The remainder of the 95 per cent. of the estimated revenue from the levy for the current fiscal year for sewer construction and repairs		7,841 00
§ 10. For Home for Aged and Infirm:		
Out of the 95 per cent. of the estimated revenue from the levy for the current fiscal year for charitable institutions		24,000 00
§ 11. For City Hospital:		
Out of the 95 per cent. of the estimated revenue from the levy for the current fiscal year for charitable institutions		85,500 00
§ 12. For Eruptive Hospital:		
Out of the 95 per cent. of the estimated revenue from the levy for the current fiscal year for charitable institutions		9,500 00
§ 13. For Work House:		
(a) The remainder of the 95 per cent. of the estimated revenue from the levy for the current fiscal year for charitable institutions	\$	19,455 85
(b) Out of the unexpended cash collections for charitable institutions over the 95 per cent.		

from levies for years prior to 1905	3,679 27	
(c) Out of the unexpended cash collections for charitable institutions, under the 95 per cent. from levies for years prior to 1909, reappropriated	2,500 00	
Total for Work House		\$ 25,635 12
§ 14. For General Purposes:		
The fund available for appropriations is made up as follows:		
(a) The 95 per cent. of the estimated revenue for the current fiscal year from the levy for said purposes	\$ 404,141 40	
(b) The unexpended cash collections from levies for said purposes prior to 1908, and being over the 95 per cent	\$22,395 97	
	10,580 74—	32,976 71
(c) The unexpended cash collections from levies for said purposes prior to 1909, and being under 95 per cent., reappropriated	68,441 98	
(d) Cash from city departments	\$33,955 63	
	17,458 68—	51,414 31
(e) From Court costs	\$ 2,244 43	
	545 12—	2,789 55
(f) From franchises	\$6,515 90	
	2,206 50—	8,722 40
(g) From dividend No. 40 on City's Gas stock, amounting to	23,125 00	
From dividend No. 41 on City's Gas stock, amounting to	23,125 00	
Making a total for General Purposes		\$ 614,736 35

Which is appropriated as follows:

Annex to City Hall	\$ 27,500 00
Assessor's Department	23,580 87
Auditor's Department	3,949 92
Board of Public Safety	9,602 17
Board of Public Works	11,964 09
Cemeteries	7,450 00
Cisterns	3,500 00
City Buyer's Department	5,999 88
City Hall expenses	23,000 00
City Pounds	1,345 00
Comptroller's Department	6,499 80
Engineer's Department	35,000 00
Gas Inspector	1,800 00
Incidental expenses	92,000 00
Inspection of Buildings Department	12,399 15
Insurance	2,500 00
Law Department	24,818 93
Legislative Department	4,400 00
Mayor's Department ..	8,019 84
Oak-street viaduct	22,500 00
Police Court	24,000 00
Printing and stationery	20,000 00
Public baths	1,600 00
Public lights, including dividends on gas stock	164,000 00
Pumps and wells	8,400 00
Receiver of Taxes	12,130 00
Sanitary expenses	28,000 00
Secret service	2,500 00
Supervision of original construction	8,000 00
Treasurer's Department	4,999 92
Veteran Firemen's Home	900 00
Weights and Measures Department	2,220 00
Interest on city's notes	5,056 78
Livestock Inspector's Department ..	600 00
Improvements on old City Hall..	4,500 00

Total for General Purposes..

\$ 614,736 35

Grand Total of Appropriations for all Purposes

\$2,122,211 65

§ 15. That the City Treasurer be, and is hereby authorized and directed to set apart the full amounts of the several appropriations in Section 14 of this ordinance for insurance, interest on city's notes and secret service, out of the collections of taxes under the levy for the current fiscal year for general purposes.

§ 16. That the ordinance entitled, "An ordinance making appropriations for the fiscal year ending August 31, 1909," approved May 31, 1909, and all other ordinances in conflict herewith, are hereby repealed.

§ 17. That this ordinance shall take effect from its passage.
Approved August 17, 1909.

TAXES.

Appropriations.

AN ORDINANCE making appropriations for the fiscal year ending August 31, 1909.

Be it ordained by the General Council of the city of Louisville:

§ 1. That there are hereby appropriated for the specific purposes, the several sums out of the estimated revenues from the levy made for the current fiscal year, and cash collections, as set forth in the following sections of this ordinance, for the current fiscal year ending August 31, 1909:

§ 2. For Police purposes:

- | | |
|---|---------------|
| (a) Out of the 95 per cent. of the estimated revenue from the levy for the current fiscal year for said purposes | \$ 359,236 80 |
| (b) Out of the unexpended cash collections for said department over the 95 per cent. from levies for years prior to 1908 | 9,486 58 |
| (c) Out of the unexpended cash collections for said department under the 95 per cent. from levies for years prior to 1909, reappropriated | 16,000 00 |

Total for Police Purposes

\$ 384,723 38

§ 3. For Fire Department:

(a)	Out of the 95 per cent of the estimated revenue from the levy for the current fiscal year for said department	\$ 321,816 30	
(b)	Out of the unexpended cash collections for said department over the 95 per cent. from levies for years prior to 1908	10,219 69	
(c)	Out of the unexpended cash collections for said department under the 95 per cent. from levies for years prior to 1909, reappropriated	24,000 00	
	Total for Fire Department ..		\$ 356,035 99

§ 4. For Street Cleaning:

(a)	Out of the 95 per cent of the estimated revenue from the levy for the current fiscal year for street and sewer cleaning	\$ 172,102 50	
(b)	Out of the unexpended cash collections for street and sewer cleaning, being over the 95 per cent. from levies for years prior to 1908	\$4,914 03	
		2,794.96	7,708.99
(c)	Out of the unexpended cash collections for street and sewer cleaning, being under the 95 per cent. from levies for years prior to 1909, reappropriated	14,000 00	
(d)	There is also appropriated for street cleaning, a part of the cash on hand to the credit of "Cash from City Department," same being a part of the general purpose fund	12,950 00	
	Total for street cleaning		\$ 206,761 49

§ 5. For Sewer Cleaning:

The remainder of the 95 per cent.

of the estimated revenue from the levy for the current fiscal year for street and sewer cleaning		\$ 15,000 00
§ 6. For Reconstruction of Streets:		
(a) Out of the 95 per cent of the estimated revenue from the levy for the current fiscal year for said purpose	\$ 202,070 70	
(b) Out of the unexpended cash collections for said purposes over the 95 per cent. from levies for years prior to 1908.	4,237 13	
(c) Out of the unexpended cash collections for said purposes under the 95 per cent. from levies for years prior to 1909, reappropriated	12,000 00	
Total for Reconstruction of Streets		\$ 218,307 83
§ 7. For Repairing Streets:		
(a) Out of the 95 per cent. of the estimated revenue from the levy for the current fiscal year for said purpose	\$ 112,261 50	
(b) Out of the unexpended cash collections for said purpose over the 95 per cent. from the levies for years prior to 1908	2,653 95	
(c) Out of the unexpended cash collections for said purposes under the 95 per cent. from levies for years prior to 1909, reappropriated	8,000 00	
Total for Repairing Streets ..		\$ 122,915 45
§ 8. For Sewer Construction:		
Out of the 95 per cent of the esti- mated revenue from the levy for the current fiscal year for sewer construction and re- pairs		67,000 00
§ 9. For Sewer Repairs:		
The remainder of the 95 per cent.		

of the estimated revenue from the levy for the current fiscal year for sewer construction and repairs	7,841 00
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§ 10. For Home for Aged and Infirm:

Out of the 95 per cent. of the esti- mated revenue from the levy for the current fiscal year for charitable institutions	24,000 00
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§ 11. For City Hospital:

Out of the 95 per cent of the esti- mated revenue from the levy for the current fiscal year for charitable institutions	85,500 00
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§ 12. For Eruptive Hospital:

Out of the 95 per cent of the esti- mated revenue from the levy for the current fiscal year for charitable institutions	9,000 00
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§ 13. For Work House:

(a) The remainder of the 95 per cent. of the estimated revenue from the levy for the current fiscal year for charitable in- stitutions	\$ 19,955 85
(b) Out of the unexpended cash collections for charitable in- stitutions, over the 95 per cent. from levies for years prior to 1908	3,679 27
(c) Out of the unexpended cash collections for charitable in- stitutions, under the 95 per cent. from levies for years prior to 1909, reappropriated	2,500 00
Total for Work House	\$ 26,135 12

§ 14. For General Purposes:

The fund available for appropriations is made up as fol-
lows:

(a) The 95 per cent. of the esti- mated revenue for the current fiscal year from the levy for said purposes	\$ 404,141 40
(b) The unexpended cash collec- tions from levies for said pur-	

poses prior to 1908, and being over the 95 per cent.	\$22,395 97	
	\$10,580 74—\$	32,976 71
((c) The unexpended cash collections from levies for said purposes prior to 1909, and being under the 95 per cent. reappropriated	\$	68,441 98
(d) From court costs—		
	\$2,244 43	
	\$ 545 12—\$	2,789 55
(e) From franchise—		
	\$6,515 90	
	\$2,206 50—\$	8,722 40
(f) From dividend No. 40 on city's gas stock, amounting to	\$	23,125 00
From dividend No. 41 on city's gas stock, amounting to	\$	23,125 00
(g) Cash from city departments	\$33,955 63	
	\$19,458 68—\$	53,414 31
Less amount appropriated to street cleaning (see Sec. 4)—		
	\$12,950 00—\$	40,464 31
Making a total for general purposes		\$ 603,786 35
Which is appropriated as follows:		
Annex to City Hall	\$	27,500 00
Assessor's Department		23,580 87
Auditor's Department		3,949 92
Board of Public Safety		9,602 17
Board of Public Works		11,964 09
Cemeteries		7,450 00
Cisterns		2,300 00
City Bnyer's Department		5,999 88
City Hall expenses		22,000 00
City pounds		1,345 00
Comptroller's Department		6,499 80
Engineer's Department		35,000 00
Gas Inspector		1,800 00
Incidental expenses		88,000 00
Inspection of Buildings Department		12,399 15

Insurance	2,500 00	
Law Department	24,818 92	
Legislative Department	4,400 00	
Mayor's Department	8,019 84	
Oak-street viaduct	22,500 00	
Police Court	24,000 00	
Printing and stationery	20,000 00	
Public baths	1,600 00	
Public lights, including dividends on gas stock	162,000 00	
Pumps and wells	8,400 00	
Receiver of Taxes	12,130 00	
Sanitary expenses	28,000 00	
Secret service	2,500 00	
Supervision of original construc- tion	5,250 00	
Treasurer's Department	4,999 92	
Veteran Firemen's Home	900 00	
Weights and Measures Depart- ment	2,220 00	
Interest on city's notes	5,056 78	
Livestock Inspectors' Department	600 00	
Improvements on old City Hall..	4,500 00	
Total for general purposes ..		\$ 603,786 35

Grand total of appropriations for
all purposes..... \$2,127,006 61

§ 15. That the City Treasurer be, and is hereby author-
ized and directed to set apart the full amounts of the several
appropriations in Section 14 of this ordinance for insurance,
interest on city's notes, and secret service, out of the collec-
tions of taxes under the levy for the current fiscal year for
general purposes.

§ 16. That the ordinance entitled "An ordinance making
appropriations for the fiscal year ending August 31, 1909," ap-
proved August 17, 1909, and all other ordinances in conflict
herewith are hereby repealed.

§ 17. That this ordinance shall take effect from its passage.
Approved August 31, 1909.

TAXES.**Appropriations—Partial.**

AN ORDINANCE making partial appropriations for the fiscal year ending August 31, 1910, viz: For the months of September, October, November and December, 1909:

Be it ordained by the General Council of the city of Louisville:

§ 1. That there are hereby appropriated out of the revenue and sums borrowed or to be borrowed, for the fiscal year ending August 31, 1910, the following sums for the first four months of said fiscal year, viz: September, October, November and December, 1909, for the following purposes, to-wit:

Police purposes	\$144,300 00
Fire Department	125,000 00
Sewer cleaning	10,000 00
Street cleaning	80,000 00
Reconstruction of streets	75,000 00
Repairing of streets	50,000 00
Sewer construction	75,000 00
Sewer repairs	7,400 00
Home for Aged and Infirm	11,850 00
City Hospital	30,000 00
Eruptive Hospital	2,500 00
Workhouse	9,200 00
Annex to City Hall	2,500 00
Assessor's Departemnt	11,000 00
Auditor's Department	1,400 00
Board of Public Safety	3,500 00
Board of Public Works	5,000 00
Cemeteries	600 00
Cisterns	1,500 00
City Buyer's Department	2,000 00
City Hall expenses	10,000 00
City Pounds	935 00
Comptroller's Department	2,200 00
Engineer's Department	13,500 00
Gas Inspector	600 00
Incidental expenses	50,000 00
Inspection of Building Department	4,400 00

Insurance	500 00
Law Department	8,300 00
Legislative Department	1,500 00
Mayor's Department	2,700 00
Oak-street viaduct	56,000 00
Police Court	8,000 00
Printing and stationery	6,500 00
Public baths	850 00
Public lights	150,000 00
Pumps and wells	4,000 00
Receiver of Taxes	4,500 00
Sanitary expenses	11,800 00
Supervision of original construction	3,000 00
Treasurer's Department	1,700 00
Veteran Firemen's Home	300 00
Weights and Measures Department	800 00
Livestock Inspector's Department	800 00
Improvements on old City Hall	9,000 00

Total\$999,635 00

§ 2. That the City Treasurer be and he is hereby directed to set apart the full sum of the appropriation made in the preceding section for insurance out of the revenue and funds from which said appropriation is made.

§ 3. That this ordinance shall take effect from its passage.

Approved September 16, 1909.

TAXES.

Appropriation for Medical Department of University of Louisville.

AN ORDINANCE making an appropriation for the Medical Department of the University of Louisville.

WHEREAS, it is necessary in order that the city of Louisville may maintain its position as a center of medical education, which it has so long enjoyed, that the Medical Department of the University of Louisville shall be strengthened and improved; now, therefore,

Be it ordained by the General Council of the city of Louisville:

§ 1. That there be and is hereby appropriated out of the

fund for general purposes for the fiscal year ending August 31, 1908, the sum of twenty-five thousand dollars for the use of the Medical Department of the University of Louisville, and the Comptroller is hereby authorized and directed to make up voucher for said twenty-five thousand dollars in favor of the Medical Department of the University of Louisville, and charge same to "incidental expenses."

§ 2. The appropriation made in the first section of this ordinance shall be paid and turned over to the treasurer of the University of Louisville upon the order of the president and trustees of the University of Louisville, for the use, under the control and direction of said president and trustees of the Medical Department of the University of Louisville.

§ 3. This ordinance shall take effect and be in force from and after its passage.

Approved September 24, 1908.

TAXES.

Appropriation for Ohio Valley Improvement Association.

AN ORDINANCE appropriating the sum of two thousand dollars to the Ohio Valley Improvement Association to be used in its efforts to secure a nine-foot stage of water all the year round in the Ohio river.

WHEREAS, The Ohio Valley Improvement Association is a voluntary organization formed to promote the improvement of navigation on the Ohio river; and,

WHEREAS, said association is now directing its efforts toward securing a nine-foot stage of water all the year round in the Ohio river, which would greatly benefit the city of Louisville; now, therefore,

Be it ordained by the General Council of the city of Louisville:

§ 1. That there be, and is hereby appropriated out of the unexpended balance of the fund for General Purposes for the fiscal year ending August 31, 1908, the sum of two thousand dollars, payable to the Ohio Valley Improvement Association, to be used by it in advertising, printing and distributing circulars, pamphlets and speeches, and in its other efforts toward creating a public sentiment in favor of the United States government

appropriating a sufficient amount to establish and maintain a nine-foot stage of water the year round in the Ohio river, and the Comptroller is hereby authorized and directed to make and issue a voucher for said sum of two thousand dollars, payable to said Ohio Valley Improvement Association, the same to be chargeable to and payable out of the unexpended balance for the fiscal year ending August 31, 1908, to the credit of Incidental Expenses.

§ 2. This ordinance shall take effect from and after its passage.

Approved September 10, 1908.

TAXES.

Appropriation for paving Public Wharf.

AN ORDINANCE making an appropriation for paving the public wharf.

WHEREAS, the net revenue from the public wharf for the fiscal year 1908 amounted to \$3,845.82, and the net revenue from said wharf for the fiscal year 1909 amounted to \$8,547.35, both of which sums, amounting altogether to the sum of \$12,393.17, have been placed by the City Treasurer to the credit of the general purpose fund, as required by Section 2860, Subsection 3, of an act for the government of cities of the first class; and,

WHEREAS, the public wharf is in need of paving with granite, therefore,

Be it ordained by the General Council of the city of Louisville:

§ 1. That the sum of \$12,393.17 be and the same is hereby appropriated from the general purpose fund for paving the public wharf with granite blocks.

§ 2. An ordinance entitled, "An ordinance making an appropriation for paving the public wharf," approved December 18, 1908, is hereby repealed.

§ 3. This ordinance shall take effect from and after its passage.

Approved October 13, 1909.

TAXES.**Appropriations—Partial.**

AN ORDINANCE making appropriations for Street Cleaning and for the Eruptive Hospital and Fire Department.

WHEREAS, the appropriations heretofore made for the fiscal year ending August 31, 1907, are not sufficient to enable the Board of Public Works to do the necessary street cleaning, and to enable the Board of Public Safety to pay the necessary expenses of the Eruptive Hospital and the Fire Department during the remainder of said fiscal year; and,

WHEREAS, there was recently transferred to the General Purpose Fund the sum of \$101,201.50 not derived from taxation, but being the proceeds of the sale of franchises, the greater part of which sum still remains unexpended and is carried in said account under the head of "Incidental Expenses;" now, therefore,

Be it ordained by the General Council of the city of Louisville:

§ 1. That there be, and is hereby appropriated the sum of \$10,000.00 to be expended by the Board of Public Works for the purposes of street cleaning, and the further sum of \$7,500.00, of which \$500.00 is to be expended by the Board of Public Safety for the necessary expenses of the Eruptive Hospital, and \$7,000.00 for the Fire Department.

§ 2. Said sums so appropriated under the first section of this ordinance shall, and are now ordered to be transferred from the Incidental Expense Account of the Fund for General Purposes and placed to the credit of the departments and for the purposes so designated in said first section.

§ 3. This ordinance shall take effect from and after its passage.

Approved August 30, 1907.

TAXES.

Appropriation for Tenement House Investigation.

AN ORDINANCE appropriating one thousand (\$1,000.00) dollars to defray the expenses of the commission to investigate and report upon tenement houses and tenement conditions.

Be it ordained by the General Council of the city of Louisville:

§ 1. That an additional sum of one thousand (\$1,000.00) dollars is hereby appropriated out of the fund for general purposes, for defraying the expenses of the work by the "Commission to Investigate and Report Upon Tenement Houses and Tenement Conditions," said money to be deposited with the Treasurer of the city, and to be paid out by him on vouchers duly approved by the Mayor and the chairman of said commission.

§ 2. This ordinance shall take effect from its passage.

Approved April 12, 1909.

TAXES.

Assessment of Property, 1908.

AN ORDINANCE providing for the assessment of property in the city of Louisville for municipal taxes for the fiscal year ending August 31, 1908.

Be it ordained by the General Council of the city of Louisville:

§ 1. That, beginning with the first day of September, nineteen hundred and seven (1907), and on the same date every year thereafter, the City Assessor shall take the list of taxable property in the city of Louisville, held or owned by every person, firm or corporation in his, her, their, or its own right; or as fiduciary, guardian, or agent, subject to taxation for city purposes and liable to assessment by the City Assessor under the laws of the State of Kentucky, and "An act for the government of cities of the first class," approved July 1, 1893, and the amendments thereto, except as provided in Section 3 of this

ordinance, upon blanks in the following form, substantially, to-wit:

CITY OF LOUISVILLE.

Statement and return of all lands and improvements and all personal property subject to taxation in the city of Louisville, held or owned by residing at No. street, occupation, place of business..... street, either in his own right, or as fiduciary, guardian or agent, on the first of September, 1907, for the raising of revenue for the year immediately succeeding that date.

DESCRIPTION OF LAND AND IMPROVEMENTS.

No. of Front Feet	Depth of Lot	Vacant	Improved	Improvement Owned by Tenant	Location of Property

VALUE OF PERSONALTY.

Value of all household and kitchen furniture..... \$.
 Value of all gold and silverware, \$. . . . ; clocks, watches and chains, \$. . . . ; jewelry and diamonds, \$. . . . ;
 Value of all pianos and musical instruments, \$. . . . ; paintings and statuary, \$. . . . ; libraries, \$. . . . ;
 Value of all vehicles of every description, \$. . . . ; horses, mules and cattle, \$. . . . ;
 Value of all office, store and saloon fixtures and furniture, billiard and pool tables, cash carriers and safes
 Value of all merchandise, \$. . . . ; value of all notes and accounts, \$. . . . ;
 Value of all machinery, steam engines and boilers,

\$....; steamboats and other water crafts, \$....;	.....
Value of all annuities and royalties, \$....; manufactured articles and raw materials, \$....;.....	.....
Value of all bonds of every kind (excepting the city of Louisville and U. S. Bonds), \$....;.....	.....
Value of all mortgages, \$....; value of all notes secured by mortgage, \$....;.....	.....
Amount of all cash on hand, \$....; cash on deposit with individuals and corporations, \$....;.....	.....
Amount of all certificates of deposit, \$....; amount of all cash on deposit in banks, \$....;.....	.....
Amount of all moneys advanced on consignments, \$....; property held on pledge of pawn, \$....;	.....
Value of shares of stock in all corporations (except corporations that pay city taxes on all their corporate property, shares of stock and franchises) ..	.....
Value of all electric motors, automobiles, poles, wires, conduits, posts, lamps, water and gas mains and pipes, \$....;.....	.....
Value of all street cars and street tracks, \$....; railroad switches (not owned by railroad companies), \$....; .....	.....
Miscellany—All property not mentioned above, subject by law to an <i>ad valorem</i> tax for city purposes	.....

Total value of personalty	\$.....
Less household goods and other personal property of persons with a family	\$ 250
Assessible amount of personalty	\$.....

STATE OF KENTUCKY,

JEFFERSON COUNTY.

.....makes oath that the above is a true list of all taxable property, real or personal, owned or held by him in his own right, or as fiduciary, guardian or agent, together with the value of all the personalty on the first day of September, 1907.

Subscribed and sworn to before me, this..... day of....., 1907.

.....
Assistant Assessor.

§ 2. That there shall be printed on the back of each of said blanks the following words: "Every person owning or holding taxable property in his own right, or as fiduciary, guardian

or agent, shall return to the Assessor or his assistant a true list of such property, real or personal, upon blanks prepared therefor, by the Assessor, in a form prescribed by ordinance, together with the value of all personalty, and make oath before said Assessor, or one of his assistants. In case of the failure or refusal of such person to return a list true in quantity and value under oath, said Assessor may, according to the best information he can obtain, assess the lands, improvements and personal property. The City Court shall, at the instance of the Assessor, by rule or process of contempt, enforce upon delinquents the return, under oath, of the lists above required."—Section 2988, Kentucky Statutes.

§ 3. That the City Assessor shall as of September 1, 1907, value and assess for city taxes for the fiscal year ending August 31, 1908, the shares of stock of each State National Bank, trust company, guarantee or security company, and the franchise of every incorporated gas, water, ferry, bridge, street railway, express, electric light, electric power, telephone, press dispatch, telephone, turnpike, palace car, dining car, sleeping car and chair car company, and every other like company, corporation, or association located or doing business in the city of Louisville, and having or exercising any special or exclusive privilege or franchise not allowed by law to natural persons, or performing any public service in the city of Louisville, as provided for by law, which assessments shall be made and notice thereof given by the City Assessor to each corporation, company and association whose shares of stock or franchises shall have been assessed by him in the manner provided by law, and after said shares of stock or franchise assessments shall have been reported by the City Assessor to, and finally passed on, by the Board of Equalization, they shall, together with all verified statements of corporations, companies and associations, made on the forms which shall be prepared by the City Assessor, under the provisions of the statutes, and returned to him, to be kept on file and preserved by the City Assessor, as a part of the records of his office.

§ 4. All ordinances in conflict herewith are hereby repealed.

§ 5. That this ordinance shall take effect from and after its passage.

Approved August 27, 1907.

VALUE OF PERSONALTY.

Value of all household and kitchen furniture.....	\$.....
Value of all gold and silverware, \$....; clocks, watches and chains, \$....; jewelry and diamonds, \$....; .....	.....
Value of all pianos and musical instruments, \$....; paintings and statuary, \$....; libraries, \$....; .....	.....
Value of all vehicles of every description, \$....; horses, mules and cattle, \$....; .....	.....
Value of all office, store and saloon fixtures and furniture, billiard and pool tables, cash carriers and safes .....	.....
Value of all merchandise, \$....; value of all notes and accounts, \$....; .....	.....
Value of all machinery, steam engines and boilers, \$....; steamboats and other water crafts, \$....; .....	.....
Value of all annuities and royalties, \$....; manufactured articles and raw materials, \$....; .....	.....
Value of all bonds of every kind (excepting the city of Louisville and U. S. Bonds), \$....; .....	.....
Value of all mortgages, \$....; value of all notes secured by mortgage, \$....; .....	.....
Amount of all cash on hand, \$....; cash on deposit with individuals and corporations, \$....; .....	.....
Amount of all certificates of deposit, \$....; amount of all cash on deposit in banks, \$....; .....	.....
Amount of all moneys advanced on consignments, \$....; property held on pledge of pawn, \$....; .....	.....
Value of all shares of stock in all corporations (except corporations that pay taxes in Kentucky on all their corporate property, shares of stock and franchises) .....	.....
Value of all electric motors, automobiles, poles, wires, conduits, posts, lamps, water and gas mains and pipes, \$....; .....	.....
Value of all street cars and street tracks, \$....; railroad switches (not owned by railroad companies), \$....; .....	.....
Miscellany—All property not mentioned above, subject by law to an <i>ad valorem</i> tax for city purposes .....	.....
Total value of personalty.....	\$.....
Less household goods and other personal property of persons with a family.....	\$ 250
Assessible amount of personalty.....	\$.....

STATE OF KENTUCKY,
JEFFERSON COUNTY.

.....makes oath that the above is a true list of all taxable property, real or personal, owned or held by him in his own right, or as fiduciary, guardian or agent, together with the value of all the personalty on the first day of September, 1908.

Subscribed and sworn to before me, this..... day of....., 1908.

.....
Assistant Assessor.

§ 2. That there shall be printed on the back of each of said blanks the following words: "Every person owning or holding taxable property in his own right, or as fiduciary, guardian or agent, shall return to the Assessor or his assistant a true list of such property, real or personal, upon blanks prepared therefor, by the Assessor, in a form prescribed by ordinance, together with the value of all personalty, and make oath before said Assessor, or one of his assistants. In case of the failure or refusal of such person to return a list in quantity and value under oath, said Assessor may, according to the best information he can obtain, assess the lands, improvements and personal property. The City Court shall, at the instance of the Assessor, by rule or process of contempt, enforce upon delinquents the return, under oath, of the lists above required."—Section 2988, Kentucky Statutes.

§ 3. That the City Assessor shall as of September 1, 1908, value and assess for city taxes for the fiscal year ending August 31, 1909, the shares of stock of each State and National Bank, trust company, guarantee or security company, and the franchise of every incorporated gas, water, ferry, bridge, street railway, express, electric light, electric power, telephone, press dispatch, telephone, turnpike, palace car, dining car, sleeping car and chair car company, and every other like company, corporation, or association located or doing business in the city of Louisville, and having or exercising any special or exclusive privilege or franchise not allowed by law to natural persons, or performing any public service in the city of Louisville, as provided for by law, which assessments shall be made and notice thereof given by the City Assessor to each corporation, company and association whose shares of stock or franchises shall have been assessed by him in the manner provided by law, and after said shares of stock or franchise assessments shall have been reported by the City Assessor to, and finally passed on, by the Board of Equalization,

they shall, together with all verified statements of corporations, companies and associations, made on the forms which shall be prepared by the City Assessor, under the provisions of the statutes, and returned to him, to be kept on file and preserved by the City Assessor, as a part of the records of his office.

§ 4. All ordinances in conflict herewith are hereby repealed.

§ 5. That this ordinance shall take effect from and after its passage.

Approved August 18, 1908.

TAXES.

Assessment of Property, 1910.

AN ORDINANCE providing for the assessment of property in the city of Louisville for municipal taxes for the fiscal year ending August 31, 1910.

Be it ordained by the General Council of the City of Louisville:

§ 1. That, beginning with the first day of September, nineteen hundred and nine (1909), and on the same date every year thereafter, the City Assessor shall take the list of taxable property in the city of Louisville, held or owned by every person, firm or corporation in his, her, their or its own right; or as fiduciary, guardian or agent, subject to taxation for city purposes and liable to assessment by the City Assessor under the laws of the State of Kentucky and "An act for the government of cities of the first class," approved July 1, 1893, and the amendments thereto, except as provided in Section 3 of this ordinance, upon blanks in the following form substantially, to-wit:

CITY OF LOUISVILLE.

Statement and return of all lands and improvements and all personal property subject to taxation in the city of Louisville, held or owned by.....
 residing at No.
 street, occupation.....place of business....
street, either in his own right or as fiduciary, guardian or agent, on the first of September, 1909, for the raising of revenue for the year immediately succeeding that date.

DESCRIPTION OF LAND AND IMPROVEMENTS.

No. of Front Feet	Depth of Lot	Vacant	Improved	Improvement Owned by Tenant	Location of Property

VALUE OF PERSONALTY.

Value of all household and kitchen furniture.....	\$.....
Value of all gold and silverware, \$....; clocks, watches and chains, \$....; jewelry and diamonds, \$....; .....	.....
Value of all pianos and musical instruments, \$....; paintings and statuary, \$....; libraries, \$....; .....	.....
Value of all vehicles of every description, \$....; horses, mules and cattle, \$....; .....	.....
Value of all office, store and saloon fixtures and furniture, billiard and pool tables, cash carriers and safes .....	.....
Value of all merchandise, \$....; value of all notes and accounts, \$....; .....	.....
Value of all machinery, steam engines and boilers, \$....; steamboats and other water crafts, \$....; .....	.....
Value of all annuities and royalties, \$....; manufactured articles and raw materials, \$....; .....	.....
Value of all bonds of every kind (excepting the city of Louisville and U. S. Bonds), \$....; .....	.....
Value of all mortgages, \$....; value of all notes secured by mortgage, \$....; .....	.....
Amount of all cash on hand, \$....; cash on deposit with individuals and corporations, \$....; .....	.....
Amount of all certificates of deposit, \$....; amount of all cash on deposit in banks, \$....; .....	.....
Amount of all moneys advanced on consignments, \$....; property held on pledge of pawn, \$....; .....	.....

Value of shares of stock in all corporations (except Kentucky corporations that pay city taxes on all their corporate property, shares of stock and franchises) .....	.....
Value of all electric motors, automobiles, poles, wires, conduits, posts, lamps, water and gas mains and pipes, \$. . . . ; .....	.....
Value of all street cars and street tracks, \$. . . . ; railroad switches (not owned by railroad companies), \$. . . . ; .....	.....
Miscellany—All property not mentioned above, subject by law to an <i>ad valorem</i> tax for city purposes .....	.....
Total value of personalty	\$
Less household goods and other personal property of persons with a family	\$ 250
Assessible amount of personalty	\$

STATE OF KENTUCKY,
JEFFERSON COUNTY.

..... makes oath that the above is a true list of all taxable property, real or personal, owned or held by him in his own right, or as fiduciary, guardian or agent, together with the value of all the personalty on the first day of September, 1909.

Subscribed and sworn to before me, this..... day of, 1909.

.....
Assistant Assessor.

§ 2. That there shall be printed on the back of each of said blanks the following words:

§ 2. "Every person owning or holding taxable property in his own right, or as fiduciary, guardian or agent, shall return to the Assessor or his assistant a true list of such property, real or personal, upon blanks prepared therefor, by the Assessor, in a form prescribed by ordinance, together with the value of all personalty, and make oath before said Assessor, or one of his assistants. In case of the failure or refusal of such person to return a list true in quantity and value under oath, said Assessor may, according to the best information he can obtain, assess the lands, improvements and personal property. The City Court shall, at the instance of the Assessor, by rule or process of contempt, enforce upon delinquents the return, under oath, of the lists required."—Section 2988, Kentucky Statutes.

§ 3. That the City Assessor shall as of September 1, 1909, value and assess for city taxes for the fiscal year ending August 31, 1910, the shares of stock of each State and National Bank trust company, guarantee or security company, and the franchise of every incorporated gas, water, ferry, bridge, street railway, express, electric light, electric power, telephone, press dispatch, telephone, turnpike, palace car, dining car, sleeping car and chair car company, and every other like company, corporation, or association located or doing business in the city of Louisville, and having or exercising any special or exclusive privilege or franchise not allowed by law to natural persons, or performing any public service in the city of Louisville, as provided for by law, which assessments shall be made and notice thereof given by the City Assessor to each corporation, company and association whose shares of stock or franchises shall have been assessed by him in the manner provided by law, and after said shares of stock or franchise assessments shall have been reported by the City Assessor to, and finally passed on, by the Board of Equalization, they shall, together with all verified statements of corporations, companies and associations, made on the forms which shall be prepared by the City Assessor, under the provisions of the statutes, and returned to him, to be kept on file and preserved by the City Assessor, as a part of the records of his office.

§ 4. All ordinances in conflict herewith are hereby repealed.

§ 5. That this ordinance shall take effect from and after its passage.

Approved August 17, 1909.

TAXES.

To Regulate Making of Credits Upon Erroneous Tax Bills.

AN ORDINANCE to regulate the making of credits upon erroneous tax bills in the hands of the Receiver of City Taxes.

Be it ordained by the General Council of the city of Louisville:

§ 1. That the City Assessor, in making any change, alteration or credit upon any tax bill in the hands of the Receiver of Taxes, shall enter such alteration, change or credit in a record book to be kept by him for that purpose, and at once certify such change, alteration or credit to the city bookkeeper. A like entry of such alteration, change or credit shall be entered in a record book to be kept for that purpose by the Receiver of City

Taxes, who shall at once certify each alteration, change or credit to the city bookkeeper, who shall also keep a record of all such alterations, changes or credits.

§ 2. An ordinance entitled "An ordinance to regulate the making of credits upon erroneous tax bills in the hands of the Receiver of City Taxes, or agent for the collection of back taxes," approved May 17, 1883, is hereby repealed.

Approved September 16, 1895.

TAXES.

Retrospective Assessment of Omitted Personal Property.

AN ORDINANCE providing for the retrospective assessment of omitted personal property.

Be it ordained by the General Council of the city of Louisville:

§ 1. That when it shall appear that any personal property or other property liable for taxation has been omitted in the past or shall be omitted in the future from assessment, it may be, when the omission is discovered, assessed retrospectively for the year or years said omission took place in the same manner in which real property and improvements which have been omitted are required to be assessed.

§ 2. This ordinance to take effect from and after publication.

Approved July 9, 1895.

TAXES.

Crediting *Ad Valorem* Tax Bills by Amount of License Paid.

AN ORDINANCE providing for crediting *ad valorem* tax bills on personalty by the amount paid to the Sinking Fund as license on same.

Be it ordained by the General Council of the city of Louisville:

§ 1. That in collecting *ad valorem* tax bills on personalty for any year, it shall be the duty of the Tax Receiver of the city

of Louisville to credit such tax bills by the amount of any license paid into the Sinking Fund of the city of Louisville by the taxpayer on the personalty represented by the tax bill.

§ 2. In giving such credits when the license has been paid for a period beyond the fiscal year for which the tax bill is made out, then the credit shall be given for the proportion only of said license as within the fiscal year of the tax bill, and the remainder, if any, shall be credited on the tax bills of the succeeding years in like proportion until the whole amount of the license is credited.

§ 3. In order to facilitate the crediting of the tax bills as herein provided for, it shall be the duty of the secretary and treasurer of the Sinking Fund of the city of Louisville, upon the demand of any person who has paid a license on personalty in lieu of *ad valorem* taxes, to issue to such person duplicate certificates, showing the amount of license paid, by whom, and for what time, one of which said certificates shall be kept on file by the Tax Receiver, and the other shall be by the Tax Receiver filed with the Comptroller of the city of Louisville.

§ 4. In making his settlements the Tax Receiver shall be allowed the credits so made in tax bills, for money paid for license, in the same manner and to the same effect as if he had collected the tax bill entirely in money.

§ 5. Whenever a license was paid in any year in lieu of the *ad valorem* taxes, the Tax Receiver is directed to receive in payment the face of the tax bill for that year without interest.

§ 6. This ordinance shall take effect from and after its publication.

Approved August 6, 1895.

TAXES.

Collection of, From Officers, Employes, and Creditors of the City.

AN ORDINANCE concerning the collection of taxes from officers, employes and creditors of the city of Louisville.

Be it ordained by the General Council of the city of Louisville:

§ 1. That hereafter there shall be deducted and withheld from any money due from the city of Louisville to any officer, employe or creditor the amount of any tax due from such officer,

employe or creditor to the city. If the amount of the city's obligations equal the tax due it, there shall be surrendered to the party entitled to same his canceled or receipted tax bill; if the amount due from the city exceeds the amount of tax due it, a warrant for the overplus and the canceled or receipted tax bill shall be delivered to the party entitled to the same; if the amount due from the city be less than the amount of the tax due to it, the tax bill of the city's creditor shall be credited by the amount due him from the city, and to enable the Auditor to carry the same into effect it shall be the duty of the Receiver of Taxes for the city to deliver to the Auditor on the first day of May of each year a list of all uncollected tax bills due at said date.

§ 2. It shall be the duty of the Auditor of the city to enforce and carry into effect the provisions of this ordinance.

§ 3. This ordinance to take effect from and after its publication.

Approved April 1, 1895.

TAXES.

Concerning the Cancellation of Certain Tax Bills.

AN ORDINANCE concerning the cancellation of tax bills not in suit and barred by limitation.

WHEREAS, There are a large number of tax bills in the office of the Tax Receiver, which are, for years prior to 1894, not in suit, barred by the limitation of five years, and, therefore, uncollectible; and,

WHEREAS, The carrying of these tax bills on the books of the Tax Receiver and City Comptroller makes an appearance of so much available assets of the city, when, in fact, they are unavailable and worthless; now, therefore,

Be it ordained by the General Council of the city of Louisville:

§ 1. That the City Assessor be and he is hereby authorized and directed to cancel all *advalorem* and poll tax bills for years prior to 1894, listed by the City Assessor with the Tax Receiver, and which are not in suit, or have not been listed by the Tax Receiver with the City Attorney or Assistant City Attorney for collection.

§ 2. That the City Assessor be and he is hereby directed and required to make report to the City Comptroller of the tax bills cancelled by him in compliance with the provisions of this ordinance, and the City Comptroller is directed to charge off, and no longer carry on his books, as available assets of the city, the amount of the cancelled tax bills thus reported to him by the City Assessor.

§ 3. That this ordinance take effect from and after its passage.

Approved August 31, 1899.

TAX BILLS—CANCELLATION OF.

AN ORDINANCE concerning the cancellation of tax bills not in suit and barred by limitation, for the years 1894 and 1895.

WHEREAS, There are a number of tax bills for small amounts in the office of the Tax Receiver for the years 1894 and 1895 not in suit, barred by the limitation of five years, and, therefore, uncollectible; and,

WHEREAS, The carrying of these tax bills on the books of the Tax Receiver and City Comptroller makes an appearance of so much available assets of the city, when, in fact, they are unavailable and worthless; now, therefore,

Be it ordained by the General Council of the city of Louisville:

§ 1. That the City Assessor be, and he is hereby directed, to cancel all *ad valorem* and poll-tax bills for the years 1894 and 1895 listed by the City Assessor with the Tax Receiver, which are not in suit, or have not been listed by the Tax Receiver, with the City Attorney or Assistant City Attorney for collection.

§ 2. That the City Assessor be, and he is hereby directed and required to make report to the City Comptroller of the tax bills canceled by him in compliance with the provisions of this ordinance, and the City Comptroller is hereby authorized and directed to charge off, and no longer carry on his books as available assets of the city, the amount of the cancelled tax bills thus reported to him by the City Assessor.

§ 3. That this ordinance take effect from and after its passage.

Approved March 8, 1901.

TAX BILLS—CANCELLATION OF.

AN ORDINANCE concerning the cancellation of tax bills not in suit, and which are or may become barred by limitation.

WHEREAS, There are a number of tax bills for small amounts in the office of the Tax Receiver for years prior to 1898 not in suit, and which are barred by the limitation of five years, and, therefore, uncollectible; and,

WHEREAS, The carrying of these tax bills on the books of the Tax Receiver and City Comptroller makes an appearance of so much available assets of the city, when, in fact, they are unavailable and worthless; and,

WHEREAS, Tax bills which are not sued on within five years from August 20 in the year for which such taxes are made out and listed with the Tax Receiver for collection, thereafter become uncollectible by law; now, therefore,

Be it ordained by the General Council of the city of Louisville:

§ 1. That the City Assessor be, and he is hereby directed to cancel all *ad valorem* and poll tax bills for years prior to the fiscal year of 1898 listed by him with the Tax Receiver for collection, which have not been sued on or have not been listed by the Tax Receiver with the City Attorney for collection, or which are barred by limitation.

§ 2. That the City Assessor be, and he is hereby, authorized and directed on October 1, in each year, to cancel all uncollected *ad valorem* tax bills which have not been sued on and which are barred by the statute of limitation of five years.

§ 3. That the City Assessor be, and he is hereby directed and required to make a report to the City Comptroller of the tax bills canceled by him in compliance with the provisions of this ordinance from time to time, and the City Comptroller is hereby authorized and directed to charge off and no longer carry on his books as available assets of the city the amount of canceled tax bills thus reported to him by the City Assessor under the provisions of this ordinance.

§ 4. That this ordinance shall take effect from its passage.

Approved December 27, 1902.

TAXES.

Exemption of Manufacturing Establishments from, for Five Years.

AN ORDINANCE concerning the exemption of manufacturing establishments from municipal taxation.

WHEREAS, The city of Louisville has the power under the law to exempt from municipal taxation, for a period of five years as an inducement to location, manufacturing establishments; and,

WHEREAS, It is deemed the wisest policy to thus foster the manufacturing interests of the city by exercising this power to induce the location of new manufacturing enterprises in the city, and to induce the owners of others located in the territory sought to be annexed to the city to abandon opposition to annexation, thereby voluntarily locating their establishments within the city; therefore,

Be it ordained by the General Council of the city of Louisville:

§ 1. That in order to induce the location of more manufacturing establishments within the city limits, any such establishment, owned and operated by any person, firm or corporation, which shall have been, after the passage of this act authorizing this ordinance, permanently located and conducted within the limits of the city of Louisville, shall be and the same is hereby exempted for a period of five years after such location and the commencement of the business of manufacturing thereat from all taxation whatever by the city of Louisville, on all property, real or personal, tangible or intangible, owned, employed and used by such person, firm or corporation in conducting the business of such manufacturing establishment, and which would otherwise be subject to city taxation: *Provided, however,* the exemption herein specified is granted on the condition that the person, firm or corporation owning and operating such manufacturing establishment shall comply with the provisions of the third section of this ordinance, and no such establishment shall be entitled to an exemption from city taxes until said section is complied with.

§ 2. The provisions of Section 1 hereof shall apply to such manufacturing establishments as may be brought into the city by annexation of territory, provided the owners thereof do not object to annexation, or shall agree before the passage of this ordinance to withdraw their objections to annexation.

§ 3. That any person, firm or corporation that shall be induced by the provisions of Section 1 or Section 2 of this ordinance, to locate or bring a manufacturing establishment within the city limits shall, prior to the first day of September next, after said establishment shall have been located or brought within this city and begun the business of manufacturing thereat, file with the City Assessor a written statement, verified by the proprietor, or one of them, if composed of a firm, or by the chief officer or manager in charge of the corporation, as the case may be, showing the following facts, viz: The name of the proprietor, or of the members of the firm or corporation owning and operating the establishment; the place where the establishment is located within the city; the kind of manufacturing engaged in, and when begun at such location; that the manufacturing establishment is a new one, or has been located or brought within the city limits since the passage of the act authorizing this ordinance; that it has been thus located or brought within the city in good faith, with the intention of being continued permanently, or for a longer period than five years.

§ 4. That it shall be the duty of the City Assessor to preserve and keep on file in his office all such verified statements; and he shall omit from his assessments for city taxation for a period of five years next after the filing of each verified statement as aforesaid, the property of the manufacturing establishment named therein, as set forth in Sections 1 and 2 of this ordinance.

§ 5. This ordinance shall take effect from and after its passage.

Approved July 29, 1898.

TAXES.

Levy for the Fiscal Year Ending August 31, 1908.

AN ORDINANCE concerning the taxes for the fiscal year ending August 31, 1908.

Be it ordained by the General Council of the city of Louisville:

§ The following *ad valorem* taxes are hereby levied for the fiscal year ending August 31, 1908, on all lands, improvements and personal property, tangible and intangible, in the city of Louisville, held or owned by every person, firm, company, association and corporation in his, her, their or its own right, or as

fiduciary, guardian or agent, subject to municipal taxation, under the laws of the State of Kentucky, and under the "Act for the government of cities of the first class," approved July 1, 1893, and the amendments thereto, including all property and franchises heretofore or hereafter assessed by the City Assessor, State Railroad Commission and the State Board of Valuation and Assessment, for taxation by the city of Louisville, in and for said fiscal year, as provided by law, and in each case one hundred dollars of assessed value, but not to include any property exempt by law from such taxation, to-wit:

For Schools, thirty-four cents.....	\$0.34
For Sinking Fund, seven and one-fourth cents	.07 $\frac{1}{4}$
For Police Purposes, twenty-two cents.....	.22
For Fire Department, twenty-four cents....	.24
For Street and Sewer Cleaning, thirteen cents,	.13
For Reconstruction of Streets, twelve cents...	.12
For Street Repairs, eight cents.....	.08
For Construction and Repair of Sewers, three-fourths of one cent.....	.00 $\frac{3}{4}$
For House of Reform, four cents.....	.04
For Charitable Institutions, seven and one-half cents .....	.07 $\frac{1}{2}$
For Parks, seven and one-fourth cents.....	.07 $\frac{1}{4}$
For Library Purposes, three cents.....	.03
For General Purposes, thirty cents.....	.30
For Firemen's Pension Fund, one-fourth of one cent .....	.00 $\frac{1}{4}$
For Policemen's Pension Fund, one-fourth of one cent .....	.00 $\frac{1}{4}$
For Board of Children's Guardians, one-fourth of one cent.....	.00 $\frac{1}{4}$
For Board of Tuberculosis Hospital, one and one-half cents .....	.01 $\frac{1}{2}$
Total	<u>\$1.75</u>

§ 2. The levy of seven and one-fourth cents on each one hundred dollars for Sinking Fund purposes in Section 1 of this ordinance, includes the following levies for the payment of interest and principal of the bonds of the city of Louisville, issued under ordinances and dated as follows, to wit: Thirteen-twenty-fourths (13-24) of one cent for the bonds dated July 1, 1897, issued under the ordinance approved June 25, 1897; thirteen-twenty-fourths (13-24) of one cent for the bonds dated May 1, 1900, issued under the ordinance approved March 21, 1900; three-twentieths (3-20) of one cent for the bonds dated April 1,

1901; seven-fifteenths (7-15) of one cent for the bonds dated June 1, 1901, and eleven-sixtieths (11-60) of one cent for the bonds dated July 1, 1901, which last three issues of bonds were issued under the ordinance approved February 2, 1901; thirteen-sixtieths (13-60) of one cent for the South Louisville bonds dated November 1, 1892, made a charge upon the Sinking Fund of the City of Louisville by an act of the Legislature, approved March 22, 1902; one and one-eighth ($1\frac{1}{8}$) for the refunding bonds dated January 1, 1903, issued under the ordinance approved August 8, 1902; thirteen-sixtieths (13-60) of one cent for the bonds dated April 1, 1903, issued under the ordinance approved March 6, 1903; seven-eighths ($\frac{7}{8}$) of one cent for the bonds dated July 1, 1903, under the last-mentioned ordinance; one-fourth ($\frac{1}{4}$) of one cent for the park and sewer bonds dated January 1, 1901, under the ordinance approved October 17, 1900; and two and forty-one-sixtieths ($2\frac{41}{60}$) cents for the sewer bonds dated February 1, 1907, and issued under an ordinance approved October 2, 1906.

§ 3. That the levy for schools in Section 1 of this ordinance includes one-quarter ($\frac{1}{4}$) of one cent on each one hundred dollars for the maintenance of schools opened, or to be opened, as a part of the school system to teach children of the ages of four, five and six years by the kindergarten method, as provided by the act of the Legislature, approved March 21, 1902.

§ 4. The tax bills shall be made out by the City Assessor on blanks having on them in print, both in detail and in totals, the rates of *ad valorem* taxes as provided in the first section of this ordinance, and in casting up amounts the sum chargeable on lands, improvements and personalty shall be separately stated.

§ 5. The Tax Receiver shall keep his sheets and books for said fiscal year so as to show separately the money received under the heads named in the preceding section; and when he reports his collections, he shall, by calculation, ascertain the sum belonging to each fund and purpose named in the first section of this ordinance, and in doing so he shall separate the amounts of taxes collected under the levies as stated in Section 2 of this ordinance, to pay principal and interest of the bonds issued at the dates mentioned in said section from the remainder of the taxes collected for Sinking Fund purposes, as provided for in Section 1 of this ordinance. He shall also, in the books and sheets, keep a column for discount or interest, and one for penalties or costs.

§ 6. The authentication of the tax bills, as required by law, shall be made thereon in red ink, over the signature of the City Assessor, or a stamped *fac simile* thereof, and in the

following form: "Original tax bill for the fiscal year ending August 31, 1908.

".....City Assessor."

§ 7. The ordinance approved December 23, 1907, being No. 321 of the series of 1907, and entitled "An ordinance concerning the taxes for the fiscal year ending August 31, 1908," is hereby repealed, and this ordinance is enacted in lieu thereof.

§ 8. This ordinance shall take effect from and after its passage.

Approved December 27, 1907.

TAXES.

Levy for the Fiscal Year Ending August 31, 1909.

AN ORDINANCE concerning the taxes for the fiscal year, ending August 31, 1909.

Be it ordained by the General Council of the city of Louisville:

§ 1. The following *ad valorem* taxes are hereby levied for the fiscal year, ending August 31, 1909, on all lands, improvements and personal property, tangible and intangible, in the city of Louisville, held or owned by every person, firm, company, association and corporation in his, her, their or its own right, or as fiduciary, guardian or agent, subject to municipal taxation, under the laws of the State of Kentucky, and under the "Act for the government of cities of the first class," approved July 1, 1893, and the amendments thereto, including all property and franchises heretofore or hereafter assessed by the City Assessor, State Railroad Commission and the State Board of Valuation and Assessment, for taxation by the city of Louisville, in and for said fiscal year, as provided by law, and in each case on each one hundred dollars of assessed value, but not to include any property exempt by law from such taxation, to-wit:

For Schools, thirty-four cents.....	\$0.34
For Sinking Fund, three and one-half cents. .	.03½
For Police Purposes, twenty-four cents.....	.24
For Fire Department, twenty-one and one-half cents .....	.21½
For Street and Sewer Cleaning, twelve and one-half cents .....	.12½

For Reconstruction of Streets, thirteen and one-half cents .....	.13½
For street Repairs, seven and one-half cents..	.07½
For Construction and Repairs of Sewers, five cents .....	.05
For House of Reform, four cents.....	.04
For Charitable Institutions, nine and one-quarter cents .....	.09¼
For Parks, seven and one-half cents.....	.07½
For Library Purposes, three cents.....	.03
For General Purposes, twenty-seven cents....	.27
For Firemen's Pension Fund, one-half of one cent .....	.00½
For Policemen's Pension Fund, one-half of one cent .....	.00½
For Board of Children's Guardians, one-quarter of one cent.....	.00¼
For Board of Tuberculosis Hospital, one and one-half cents01½
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Total, one dollar and seventy-five cents.....	\$1.75

§ 2. The levy of three and one-half cents. on each one hundred dollars for Sinking Fund purposes in Section 1 of this ordinance, includes the following levies for the payment of interest and principal of the bonds of the city of Louisville, issued under ordinances and dated as follows, to-wit: Two mills and fifty-one one-thousandths (.2051) of one mill for the bonds dated July 1, 1897, issued under the ordinance approved June 25, 1897; two mills and one hundred and sixty-six one-thousandths (.2166) of one mill for the bonds dated May 1, 1900, issued under the ordinance approved March 21, 1900; five hundred and thirty-two one-thousandths (.0532) of one mill for the bonds dated April 1, 1901; one mill and eight hundred and fifty-nine one-thousandths (.1859) of one mill for the bonds dated June 1, 1901; six hundred and sixty-five one-thousandths (.0665) of one mill for the bonds dated July 1, 1901, which last three issues of bonds were issued under the ordinance approved February 2, 1901; one mill and three hundred and eighty-seven one-thousandths (.1387) of one mill for the South Louisville bonds dated November 1, 1892, made a charge upon the Sinking Fund of the city of Louisville by an act of the Legislature approved March 22, 1902; four mills and five hundred and fifty-three one-thousandths (.4553) of one mill for the refunding bonds dated January 1, 1903, issued under the ordinance approved August 8, 1902; nine hundred and five one-

thousandths (.0905) of one mill for the bonds dated April 1, 1903, issued under the ordinance approved March 6, 1903; three mills and five hundred and sixty-two one-thousandths (.3562) of one mill for the bonds dated July 1, 1903, under the last mentioned ordinance; one mill and nineteen one-thousandths (.1019) of one mill for the park and sewer bonds dated January 1, 1901, under the ordinance approved October 17, 1900; one cent and six mills and three hundred and one one-thousandths (1.6301) of one mill for the sewer bonds dated February 1, 1907, and issued under an ordinance approved October 2, 1906.

§ 3. That the levy for schools in Section 1 of this ordinance includes one-quarter ($\frac{1}{4}$) of one cent on each one hundred dollars for the maintenance of schools opened, or to be opened, as a part of the school system to teach children of the ages of four, five and six years, by the kindergarten method, as provided by the act of the Legislature, approved March 21, 1902.

§ 4. The tax bills shall be made out by the City Assessor on blanks having on them in print, both in detail and in totals, the rates of *ad valorem* taxes as provided in the first section of this ordinance, and in casting up the amount the sum chargeable on lands, improvements and personalty shall be separately stated.

§ 5. The Tax Receiver shall keep his sheets and books for said fiscal year so as to show separately the money received under the heads named in the preceding section; and when he reports his collections, he shall, by calculation, ascertain the sum belonging to each fund and purpose named in the first section of this ordinance, and in doing so he shall separate the amounts of taxes collected under the levies as stated in Section 2 of this ordinance, to pay principal and interest of the bonds issued at the dates mentioned in said section from the remainder of the taxes collected for Sinking Fund purposes, as provided for in Section 1 of this ordinance. He shall also, in the books and sheets, keep a column for discount or interest, and one for penalties or costs.

§ 6. The authentication of the tax bills, as required by law, shall be made thereon in red ink, over the signature of the City Assessor, or a stamped *fac-simile* thereof, and in the following form: "Original tax bill for the fiscal year, ending August 31, 1909.

".....City Assessor."

§ 7. This ordinance shall take effect from and after its passage.

Approved December 28, 1908.

TAXES.**Levy for the Fiscal Year Ending August 31, 1910.**

AN ORDINANCE concerning the taxes for the fiscal year ending August 31, 1910.

Be it ordained by the General Council of the city of Louisville:

§ 1. The following *ad valorem* taxes are hereby levied for the fiscal year ending August 31, 1910, on all lands improvements and personal property, tangible and intangible, in the city of Louisville, held or owned by every person, firm, company, association and corporation in his, her, their or its own right, or as fiduciary, guardian or agent, subject to municipal taxation, under the laws of the State of Kentucky, and under the "Act for the government of cities of the first class," approved July 1, 1893, and the amendments thereto, including all property and franchises heretofore or hereafter assessed by the City Assessor, State Railroad Commission and the State Board of Valuation and Assessment, for taxation by the city of Louisville, in and for said fiscal year, as provided by law, and in each case on each one hundred dollars of assessed value, but not to include any property exempt by law from such taxation, to-wit:

For Schools, thirty-six cents.....	\$.36
For Sinking Fund, four and one-half cents..	.04½
For Police Purposes, twenty-four cents.....	.24
For Fire Department, twenty-one and one-half cents .....	.21½
For Street and Sewer Cleaning, sixteen cents	.16
For Reconstruction of Streets, fourteen and one-half cents .....	.14½
For Street Repairs, eight and one-half cents..	.08½
For Construction and Repair of Sewers, eight and one-quarter cents.....	.08¼
For House of Reform, four cents.....	.04
For Charitable Institutions, seven and three-quarter cents .....	.07¾
For Parks, seven and three-quarter cents....	.07¾
For Library Purposes, three and one-half cents	.03½
For General Purposes, twenty-six cents.....	.26
For Firemen's Pension Fund, one-half of one cent .....	.00½

For Policemen's Pension Fund, one-half of one cent .....	.001½
For Board of Children's Guardians, one-quarter of one cent.....	.001¼
For Board of Tuberculosis Hospital, one and one-half cents.....	.01½
	<hr/>
Total, one dollar and eighty-five cents.....	\$1.85

§ 2. The levy of four and one-half cents on each one hundred dollars for Sinking Fund purposes, in Section 1, of this ordinance, includes the following levies for the payment of interest and principal of the bonds of the city of Louisville, issued under ordinances, and dated as follows, to-wit: Two mills and seven hundred and twenty-seven one thousandths (.2727) of one mill, for the bonds dated July 1, 1897, issued under the ordinance approved June 25, 1897; two mills, six hundred and eighty-three one-thousandths (.2683) of one mill, for the bonds dated May 1, 1900, issued under the ordinance approved March 21, 1900; six hundred and fifty-nine one-thousandths (.0659) of one mill, for the bonds dated April 1, 1901; one mill and nine hundred and fifty-nine one thousandths (.1959) of one mill, for the bonds dated June 1, 1901; six hundred and ninety-six one-thousandths (.0696) of one mill, for the bonds dated July 1, 1901, which last three issues of bonds were issued under the ordinance approved February 2, 1901; nine hundred and nine one-thousandths (.0909) of one mill, for the South Louisville bonds, dated November 1, 1892, made a charge upon the Sinking Fund of the city of Louisville by an act of the Legislature, approved March 22, 1902; five mills, four hundred and seventy thousandths (.5470) of one mill, for the refunding bonds dated January 1, 1903, issued under the ordinance approved August 8, 1902; one mill, one hundred and seventeen thousandths (.1117) of one mill, for the bonds dated April 1, 1903, issued under the ordinance approved March 6, 1903; four mills, two hundred and ninety-five thousandths (.4295) of one mill, for the bonds dated July 1, 1903, under the last mentioned ordinance; one mill, two hundred and fifty-nine thousandths (.1259) of one mill for the Park and Sewer Bonds, dated January 1, 1901, under the ordinance approved October 17, 1900; two cents and three mills and two hundred and twenty-six thousandths (.23226) of one mill, for the Sewer Bonds, dated February 1, 1907, and issued under an ordinance approved October 2, 1906.

§ 3. The tax bills shall be made out by the City Assessor on blanks having on them in print, both in detail and in totals, the rates of *ad valorem* taxes as provided in the first section of

this ordinance, and in casting up amounts the sum chargeable on lands, improvements and personalty shall be separately stated.

§ 4. The Tax Receiver shall keep his sheets and books for said fiscal year so as to show separately the money received under the heads named in the preceding section; and when he reports his collections, he shall, by calculation, ascertain the sum belonging to each fund and purpose named in the first section of this ordinance, and in doing so he shall separate the amounts of taxes collected under the levies as stated in Section 2 of this ordinance, to pay principal and interest of the bonds issued at the dates mentioned in said section, from the remainder of the taxes collected for Sinking Fund purposes, as provided for in Section 1 of this ordinance. He shall, also, in the books and sheets, keep a column for discount or interest, and one for penalties or costs.

§ 5. The authentication of the tax bills, as required by law, shall be made thereon in red ink, over the signature of the City Assessor, or a stamped fac simile thereof, and in the following form: Original tax bill for the fiscal year ending August 31, 1910.

“.....City Assessor.”

§ 6. This ordinance shall take effect from and after its passage.

Approved December 15, 1909.

TAXES.

Levy for School Taxes for the Fiscal Year Ending August 31, 1909.

AN ORDINANCE concerning school taxes for the fiscal year ending August 31, 1909.

Be it ordained by the General Council of the city of Louisville:

§ 1. The following *ad valorem* tax is hereby levied for the fiscal year ending August 31, 1909, on all lands, improvements and personal property, tangible and intangible, in the city of Louisville held or owned by every person, firm, company, association and corporation in his, her, their or its own right, or as fiduciary, guardian or agent, subject to municipal taxation, under the laws of the State of Kentucky, and under the act for the

government of cities of the first class, approved July 1, 1893, and the amendments thereto, including all the property and franchises heretofore or hereafter assessed by the City Assessor, State Railroad Commission and the State Board of Valuation and Assessment, for taxation by the city of Louisville in and for said fiscal year, as provided by law, and on each one hundred dollars of assessed value, but not to include any property exempt by law from such taxation, to-wit:

For schools, two cents.....\$.02

§ 2. This ordinance is passed pursuant to a judgment of the Jefferson Circuit Court wherein the General Council of the city of Louisville was ordered and directed to levy an extra tax of not less than two cents on the hundred dollars for school purposes for the fiscal year ending August 31, 1909, and ordering that said levy be based on the assessment made as of September 1, 1908.

§ 3. The tax bills shall be made out by the City Assessor on blanks having on them in print, both in detail and in totals, the rates of *ad valorem* taxes as provided in the first section of this ordinance, and in casting up the amount the sum chargeable on lands, improvements and personalty shall be separately stated.

§ 4. The Tax Receiver shall keep his sheets and books for said fiscal year so as to show separately the money received under this levy and when he reports his collections he shall by calculation ascertain the sum belonging to the fund and purpose named in the first section of this ordinance.

§ 5. The authentication of the tax bills, as required by law, shall be made thereon in red ink, over the signature of the City Assessor, or a stamped *fac-simile* thereof, and in the following form: "Original tax bill for the fiscal year ending August 31, 1909.

".....City Assessor."

§ 6. This ordinance shall take effect from and after its passage.

Approved October 22, 1909.

TAX BILLS—PUBLICATION OF.

AN ORDINANCE providing for the publication of the list of delinquent taxpayers.

WHEREAS, Section 3005 of the Kentucky Statutes in regard to cities of the first class requires that on the first day of May of the second year after the assessment of city taxes, the

Receiver shall make out a list of the bills still wholly or partly unpaid, and furnish the list to the City Attorney, whose duty it shall be to bring suit thereon; and,

WHEREAS, It is desirable that every taxpayer shall have the opportunity to settle without incurring any court costs, therefore,

Be it ordained by the General Council of the city of Louisville:

§ 1. That as soon as practicable after said delinquent list has been furnished to the City Attorney, as required by said statute, and before commencing suit thereon, he shall have prepared an alphabetical list of said delinquent taxpayers, with a brief description of the property upon which the tax is due, and cause the same to be published in the newspaper or newspapers selected by the General Council to do the public advertising of the city of Louisville, said publication to be by one insertion for each of two days.

§ 2. The failure to make the publication required by this ordinance, or the failure to include in said publication the name of any delinquent taxpayer, shall not in any way affect any of the rights or remedies of the city of Louisville for the collection of its tax bills against said delinquents.

§ 3. The cost of such publication shall be paid, as other public advertising, upon a voucher approved by the City Attorney and attested by the Comptroller.

§ 4. This ordinance shall take effect from its passage.
Approved May 8, 1908.

TAX RECEIVER'S OFFICE—DEPUTIES IN.

AN ORDINANCE concerning the employes in the Tax Receiver's office of the city of Louisville.

Be it ordained by the General Council of the city of Louisville:

§ 1. That there shall hereafter be in the office of the Tax Receiver of the city of Louisville three deputies, one of whom shall be styled the Cashier of the Tax Receiver, at a salary of eighteen hundred (\$1,800.00) dollars per annum, payable monthly, one of whom shall be styled the Bookkeeper of the Tax Receiver at a salary of twelve hundred (\$1,200.00) dollars per annum, payable monthly, and one of whom shall be styled the General Clerk of the Tax Receiver at a salary of one

thousand (\$1,000.00) dollars per annum, payable monthly, and three deputy clerks, each at a salary of nine hundred (\$900.00) dollars per annum, payable monthly, all of whom shall be appointed by said Tax Receiver, subject to the approval of the Board of Aldermen.

§ 2. In addition to the officers mentioned in the first section of this ordinance, the Tax Receiver of the city of Louisville may also appoint, subject to the approval of the Board of Aldermen, for service during the months of January, February and March of each year, six deputy clerks, each to be paid a salary at the rate of seventy-five (\$75.00) dollars per month, payable monthly.

§ 3. The ordinance entitled, "An ordinance allowing the Tax Receiver of the city of Louisville to appoint, with the approval of the Board of Aldermen, not more than three additional deputy Tax Receivers for such term as the Tax Receiver may deem necessary for the service of distress warrants and garnishments of rents and the collections of taxes thereunder, and such other services as may be demanded of them," approved September 5, 1896, and the ordinance entitled, "An ordinance concerning the Tax Receiver's office of the city of Louisville," approved December 12, 1896, and all other ordinances in conflict herewith are hereby repealed.

§ 4. This ordinance shall take effect from and after its passage.

Approved December 10, 1908.

TELEPHONE RATES.

AN ORDINANCE fixing the maximum rates to be charged for telephone service in the city of Louisville:

Be it ordained by the General Council of the city of Louisville:

§ 1. That no company, corporation or individual operating, conducting or maintaining a telephone system or furnishing telephone service in the city of Louisville, shall charge more for such service than the following rates, which are hereby fixed, established and ordained to be the maximum rates that may be charged for telephone services in the city of Louisville.

§ 2. For each telephone in a business house or office the maximum rate or charge shall not exceed,

For a single or private line, unlimited service, \$5.50 per month, or at the rate of \$66.00 per year.

For a party line, unlimited service, \$4.00 per month, or at the rate of \$48.00 per year.

For each telephone in a residence the maximum rate or charge shall not exceed,

For a single or private line, unlimited service, \$3.00 per month, or at a rate of \$36.00 per year.

For a party line, unlimited service, \$2.00 per month, or at the rate of \$24.00 per year.

For each extension desk telephone the maximum rate or charge shall not exceed \$1.00 per month, or at the rate of \$12.00 per year.

§ 3. Any person, firm or corporation violating any provision of this ordinance or charging a higher rate for telephone service than is fixed by this ordinance shall be subject to a fine of not less than \$5.00 nor more than \$25.00 for each offense. Each charge for telephone service in excess of the rates herein fixed and each month that such charge is made for such service shall constitute a separate offense.

§ 4. That an ordinance entitled, "An ordinance regulating the charges for telephone service in the city of Louisville," approved November 12, 1906, is hereby repealed:

Provided, however, that this ordinance shall not be so construed as to confer upon any person, firm or corporation now conducting or operating a telephone system in the city of Louisville the right to charge any rate in excess of that limited in the charter or franchise of such person, firm or corporation.

§ 5. This ordinance shall take effect from and after its passage.

Approved March 6, 1909.

TELEPHONE—REPEAL OF THE OHIO VALLEY TELEPHONE FRANCHISE.

AN ORDINANCE repealing an ordinance entitled, "An ordinance confirming and ratifying Section 5 of an act passed by the General Assembly of the Commonwealth of Kentucky, and approved on the 3d day of April, 1886, and entitled, 'An act to incorporate The Ohio Valley Telephone Company,' and granting to the said The Ohio Valley Telephone Company the right to construct, equip, operate and maintain telephone systems and exchanges, and to erect poles and string wires thereon; to construct, operate and maintain conduits and manholes; to lay pipes, cables, conductors and wires, and to operate its telephone lines over, along or under any highway, street or alley in the city of Louisville," approved August 17, 1886.

Be it ordained by the General Council of the city of Louisville:

§ 1. That an ordinance entitled, "An ordinance confirming and ratifying Section 5 of an act passed by the General Assembly of the Commonwealth of Kentucky, and approved on the 3d day of April, 1886, and entitled, 'An act to incorporate The Ohio Valley Telephone Company,' and granting to the said The Ohio Valley Telephone Company the right to construct, equip, operate and maintain telephone systems and exchanges, and to erect poles and string wires thereon; to construct, operate and maintain conduits and manholes; to lay pipes, cables, conductors and wires, and to operate its telephone lines over, along or under any highway, street or alley in the city of Louisville," approved August 17, 1886, be and the same is hereby repealed.

§ 2. This ordinance shall take effect from and after its passage.

Approved January 23, 1909.

TENEMENT HOUSES—COMMISSION TO INVESTIGATE.

AN ORDINANCE concerning the appointment by the Mayor of a commission to investigate and report upon tenement houses and tenement conditions, and fixing the provisions, rights and powers under which the commission is to exist and work, and providing an appropriation to defray the expenses of the work of said commission.

Be it ordained by the General Council of the city of Louisville:

§ 1. That the Mayor be hereby empowered and directed to appoint a commission, of not less than twenty nor more than thirty residents of the city of Louisville and citizens of Kentucky, to make a thorough and scientific investigation of all tenement houses and tenement conditions of the city, with the object and purpose of making a report to the Mayor and General Council of such houses and such conditions.

§ 2. That said commission and the members thereof shall serve without pay or compensation; that the members of such commission shall receive from the Mayor certificates of appointment; that the commission shall organize itself by selecting its chairman, secretary, treasurer and executive committee and other committees, and by making and using such by-laws as may be necessary to conduct its work along ordinary business lines; that said commission shall report fully in writing to the Mayor and General Council upon its work and findings, connected with said tenement houses and conditions, on or before the 1st day of June, 1909; that each member of said commission, bearing a certificate of appointment from the Mayor, shall be clothed and vested with the powers of a health officer of the city in respect to investigations of sanitary conditions connected with tenement houses.

§ 3. That the Mayor be empowered and directed to give the aid of the Police Department to said commission and its members wherever needed.

§ 4. That there be and is hereby appropriated the sum of \$500 (five hundred dollars) out of the fund for general purposes for defraying the necessary expense of the work of said commission, said money to be deposited with the Treasurer of the city and to be paid out by him on vouchers duly approved in writing by the Mayor and by the chairman of said commission.

§ 5. That all ordinances, or parts of ordinances, in conflict with this ordinance be, and the same are, hereby repealed.

§ 6. That this ordinance shall take effect from its passage.
Approved February 16, 1909.

TENEMENT HOUSES—TIME OF REPORT.

AN ORDINANCE granting further time to the commission to investigate and report upon tenement houses and tenement conditions to report to the Mayor and General Council upon its work and findings.

Be it ordained by the General Council of the city of Louisville:

That further time, until October 1, 1909, be given, allowed and granted to the Commission to investigate and report upon tenement houses and tenement conditions, to compile, prepare and file with the Mayor and General Council its report upon its work and findings connected with tenement houses and conditions.

Approved July 13, 1909.

THATERS—PUBLIC HALLS.

Overcrowding of Theaters and Public Halls.

AN ORDINANCE to prevent the dangerous overcrowding of theaters or other public halls in the city of Louisville.

Be it ordained by the General Council of the city of Louisville:

§ 1. That it shall be unlawful during the performance of any play, opera, or other exhibition in any theater or other public hall in the city of Louisville, to allow any person or persons of the audience to stand, be seated, or remain in any of the aisles or passways of the said theater or public hall.

§ 2. Any lessee, manager, owner, proprietor, or employe of such theater or public hall who shall violate the provisions of Section 1 of this ordinance shall be fined not less than five nor more than twenty dollars for each offense.

§ 3. Each person allowed to stand or be seated in or to occupy such aisle or passway as aforesaid shall be deemed a separate offense.

§ 4. This ordinance to take effect from the date of its approval.

Approved October 9, 1895.

TRAFFIC REGULATING.

AN ORDINANCE regulating moving, travel and traffic upon the public streets and highways of the city of Louisville, Jefferson county, Ky., and providing a punishment for any violation thereof.

Be it ordained by the General Council of the city of Louisville:

§ 1. A vehicle, except when passing another vehicle ahead, shall keep as near the right-hand curb as possible.

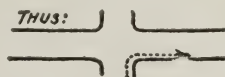
§ 2. A vehicle meeting another vehicle shall pass on the right.

§ 3. A vehicle overtaking another vehicle shall pass on the left side of the overtaken vehicle, and not pull over to the right until entirely clear of the overtaken vehicle.

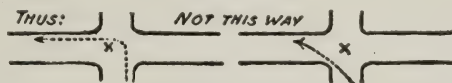
§ 4. Slow moving and heavily laden vehicles shall keep close to the right curb.

§ 5. On all avenues or streets divided by parkway, walk, sunken-way or viaduct, vehicles shall keep to the right of such division.

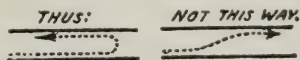
§ 6. A vehicle turning into another street to the right shall turn the corner as near the right-hand curb as practicable.



§ 7. A vehicle turning into another street to the left shall turn around the intersection of the two streets.



§ 8. Drivers of vehicles or chauffeurs of autos that are proceeding correctly along the right side of the street and desire to discharge or take on merchandise, or passengers, on the left side of the street shall cross over, making a complete turn.



§ 9. No vehicle shall stop with the left side to the curb.

§ 10. No vehicle, unless in an emergency or to allow another vehicle or pedestrian to cross its path, shall stop in any public street or highway except near the right-hand curb thereof, and so as not to obstruct a crossing.

§ 11. No vehicle shall back to make a turn in any street, if by so doing it interferes with other vehicles, but it shall go around the block or to a street sufficiently wide to turn without backing.

§ 12. The drivers of vehicles owned or controlled by any firm, person or corporation shall not proceed in procession, and a distance of at least fifty (50) feet must be between every such vehicle.

§ 13. The driver or person in control of the vehicle in slowing up or stopping shall signal those in the rear by raising a whip or hand vertically.

§ 14. No vehicle shall be turned while in motion, or in starting to turn from a stand-still, unless a signal shall previously be given by raising the whip or hand, indicating by it the direction in which the turn is to be made.

§ 15. No person in control of a vehicle shall back same without ample warning having been given, and while backing unceasing vigilance must be exercised not to injure those in the rear of them.

§ 16. Every person in charge of a vehicle shall pull to the right side of the street or road when signaled from a vehicle behind desiring to pass.

§ 17. All bicycles, tricycles, velocipedes, motor bicycles, automobiles and all other riding machines and horseless vehicles upon the streets shall have attached thereto a gong, bell, horn or other adequate signal in good working order, and of proper size and character, sufficient to give warning of the approach of such vehicles to pedestrians and to riders and drivers of other vehicles and to persons entering or leaving the street cars; and such gongs, bells, horns and other signals shall not be sounded except when necessary to give warning, provided that no such gong, bell, horn or other signal shall produce a sound unusually loud, annoying or of distressing character or such as will frighten pedestrians or animals, or extreme noise, as "SIRENS" or similar instruments that produce unusually loud, annoying or distressing sounds, provided that provision of this section shall not apply to public ambulances, vehicles belonging to the fire or police departments of the city of Louisville, or vehicles belonging to public service corporations required to respond to alarms of fire or other emergency calls.

§ 18. No person operating a self-propelled vehicle shall permit the motors of same to operate in such a manner as to visibly

emit an unduly great amount of steam, smoke or products of combustion from exhaust pipe or openings.

§ 19. No person operating a self-propelled vehicle shall permit the pipes, "mufflers" or other devices to emit sounds of exhaust in a loud and annoying manner, and all such vehicles shall be operated in as noiseless manner as possible.

§ 20. All automobiles operating or standing upon the public highways of the city of Louisville between one hour after sunset and one hour before sunrise, shall be provided with at least two lighted lamps showing white lights, visible for a reasonable distance in the direction toward which such vehicle is going and one red light attached to the rear of such vehicle, visible for a reasonable distance in the rear thereof.

§ 21. Vehicles of the Police Department, Fire Department, Fire Patrol, Traffic Emergency Repair, United States mail and ambulances shall have the right of way at all times in any street or through any procession.

§ 22. All vehicles and street cars going in an easterly direction of westerly direction shall have the right of way over all vehicles or street cars going in a northerly or southerly direction.

§ 23. Subject to Section 21 of this ordinance, street cars shall have the right of way between cross streets over all other vehicles, and the driver or person in control of any vehicle proceeding upon a track in front of a street car shall immediately turn out upon a signal from the motorman or driver of the car.

§ 24. No vehicle or street car shall occupy any street so as to interfere with or interrupt the passage of other cars or vehicles.

§ 25. Any vehicle waiting at the curb shall promptly give place to a vehicle about to take on or let off passengers.

§ 26. The driver or person in control of a vehicle, on the approach of a fire engine, or any other fire apparatus, shall immediately draw up said vehicle as near as practicable to the right-hand curb and parallel thereto and bring it to a standstill.

§ 27. No street car shall be delayed longer than one minute by persons loading or unloading a vehicle.

§ 28. Every person riding, driving, propelling or in charge of any vehicle upon any street shall keep said vehicle at least four feet from the running board or lowest step of any street car which is stopping for the purpose of taking on or discharging passengers, and if, by reason of the presence of vehicles at the place where such car is stopping or by reason of the narrowness of the street, and for any other reason, it is not possible to preserve such distance of four feet from such running board or lowest step (as herein prescribed), then such person shall stop

such vehicle until such car shall have taken on or discharged its passengers and again started.

§ 29. No vehicle, except those mentioned in Section 21 hereof, shall proceed at any time at a greater speed than eight (8) miles an hour in the territory bounded on the north by the river, on the south by Chestnut, on the west by Fifteenth street and on the east by Preston street and in the territory outside thereof no vehicle (except those mentioned in Section 22 hereof) shall exceed a speed of twelve (12) miles per hour, and no vehicle shall cross any street or avenue running east and west, or make any turn at a speed rate exceeding one-half of the speed permitted by this section.

§ 30. No horse shall be left unattended in any street or highway unless securely fastened, or unless the wheels of the vehicle to which he is harnessed are securely tied, fastened or chained, and the vehicle is of sufficient weight to prevent it being dragged at a dangerous speed with the wheels so secured.

§ 31. No horse shall be unbitted in any street or highway unless secured by a halter.

§ 32. No person in any street or highway shall remove a wheel, pole, shaft, whiffle-tree, splinter-bar or any part of a vehicle, or any part of the harness of the horse likely to cause accident if the horse should start, without first unhitching the horse or horses attached to said vehicle.

§ 33. No person shall drive upon the streets or highways any unduly dangerous or partially "broken" animal, or use the streets or highways for the use of "breaking" animals, it being the intention of this section to define the words "broken" and "breaking" to the acts of accustoming animals to the saddle and harness for the purpose of subjecting or to use the streets for sale purposes.

§ 34. No person shall drive a vehicle that is so covered in or constructed as to prevent the driver thereof from having a sufficient view of the traffic following and at the sides of such vehicle.

§ 35. No one shall drive, conduct or load such vehicle in such a manner as to be likely to cause a blockade, accident, breakdown or injury to man, beast or property.

§ 36. No person shall so load a vehicle with iron or other material that may strike together and produce a great noise, without properly "deafening" it so that it shall cause no unnecessary noise.

§ 37. No person under sixteen (16) years of age shall drive a public numbered, licensed or business vehicle.

§ 38. No one shall ride or jump upon the rear of any vehicle without permission, and when so riding no part of the

body of such person shall protrude beyond the limits of the vehicle.

§ 39. No vehicle shall be left unhitched in the streets or public ways at night without a red light being displayed thereon.

§ 40. A vehicle shall back up to a curb only long enough to be loaded or to be unloaded.

§ 41. Horses attached to vehicles backed up to a curb shall be turned to the right. The shafts of unhitched vehicles backed up to the curb shall be turned to the right.

§ 42. No one shall crack or so use a whip as to annoy, interfere with or endanger any person, or excite any horse other than the one he is using.

§ 43. The roadbeds of highways and streets are primarily intended for vehicles, but pedestrians have the right to cross them in safety, and all drivers of vehicles shall exercise all proper care not to injure pedestrians, and pedestrians before stepping from the sidewalk to the roadbed should look to see what is approaching and shall not needlessly interfere with the passage of vehicles.

§ 44. The word vehicle includes equestrians, led horses and everything on wheels or runners, except street cars and baby carriages.

§ 45. The word horse includes all animals used for the purpose of riding and drawing vehicles.

§ 46. The word driver includes the rider of wheels and the operator of motor wheels and automobiles and street cars, and the rider of a horse and the driver of vehicles drawn by a horse or horses.

§ 47. Drivers must at all times comply with any directions given by voice or hand of any officer of the police force as to stopping, starting, approaching or departing from any place, and also as to the manner of taking up or letting off passengers and the loading and unloading of vehicles.

§ 48. In all streets and alleys that are less than fifteen (15) feet in width, vehicles must enter from the north and east end of such streets or alleys and said vehicles shall be so headed at all times while in such streets or alleys; and in leaving will leave through the south and west ends of such streets and alleys.

§ 49. Any person, firm or corporation who shall violate any provision of this ordinance shall be fined not less than five nor more than twenty-five dollars for each offense.

§ 50. All ordinances and parts of ordinances in conflict herewith are hereby repealed.

§ 51. This ordinance shall take effect from and after its passage.

Approved August 9, 1909.

TRANSFER—ARTICLES AND LABOR FROM ONE DEPARTMENT TO ANOTHER.

AN ORDINANCE providing for the transfer of articles and labor from one department to another department of the city.

Be it ordained by the General Council of the city of Louisville:

§ 1. Whenever it is deemed desirable by the head of any department of the city of government to obtain any article of personal property or labor belonging to another department he shall first make out a requisition on the regular requisition blanks now used, or that may hereafter be used by his department for the purchase of supplies, which requisition shall be approved by the board, if there be one, having control of such department. The requisition shall then be sent to the City Buyer, who shall make an order on the department from which the personal property or labor is to be obtained. If said order is approved by the head of such department and by the board, if there be one, having control thereof, the said personal property or labor shall be transferred to the department ordering the same, which shall give a receipt in duplicate therefor.

§ 2. Such personal property or labor shall be furnished at cost, or at a price not greater than cost, that may be agreed on between the heads of the departments and board or boards, if any, having control of them. Wherever the price shall be so agreed on it shall be certified to the City Buyer, who shall keep a separate record of the same in a special book for that purpose.

§ 3. The department furnishing the personal property or labor shall make out a transfer voucher at the end of each month, charging thereon such personal property or labor to the department ordering same and giving the date and number of each requisition on which it was furnished, and shall attach to said transfer voucher the original receipt given by the department receiving the said personal property or labor. The said transfer voucher shall then be approved by the heads of the departments furnishing and ordering the said personal property or labor, and by the board or boards, if any, having control of such departments or of either of them.

§ 4. Upon the approval of any transfer voucher, as provided in Section 3 of this ordinance, it shall be filed with the City Buyer, who shall enter it upon his books and certify to its correctness and then deliver it to the City Comptroller, who

shall register the transfer and credit the department by which the property or labor is furnished, with the value of the article or labor so furnished, and charge the department to which the same is furnished with the value thereof, and thereupon the City Comptroller shall certify said record so made by him to the City Treasurer, and it shall then be the duty of the City Treasurer to record said transfer and make the proper debit and credit to show the facts.

§ 5. This ordinance shall take effect from and after its passage, and all ordinances in conflict herewith are hereby repealed.
Approved August 26, 1909.

TREASURER.

AN ORDINANCE concerning the Treasurer of the city of Louisville.

Be it ordained by the General Council of the city of Louisville:

§ 1. The Treasurer shall receive and keep the money of the city until disbursed on warrants or paid under order of the Council.

§ 2. He shall also receive all notes, bonds, and other evidences of debt to the city, which he shall collect or account for, and he shall see that all persons bound to pay money to the Treasurer make due account and payment, and shall promptly report to the Council every failure to do so.

§ 3. He shall also keep in a proper set of books, by double entry, a full and accurate account of moneys received and disbursed for the city, specifying the date of receipt and disbursement, from whom received and to whom paid, and on what account received or paid, keeping a separate and accurate account of each head of revenue or expenditure, and of each fund, and of the debits and credits belonging to each.

§ 4. He shall keep a register of all warrants redeemed or paid into the treasury, describing such warrant by its date, number, page, date of payment and name of person to whom it was paid, and shall cancel and keep on file all such warrants.

§ 5. To each person paying money he shall deliver a duplicate receipt therefor, specifying the date of payment, on what account, and whether paid in money, in warrants, or otherwise.

§ 6. On receiving money set apart to several funds or accounts, he shall immediately credit to each fund or account its true proportion thereof.

Approved October 26, 1853.

TREASURER.

Public Funds—Use of.

AN ORDINANCE concerning the use of the public funds.

The Treasurer is prohibited from using, directly or indirectly, the public money, funds, or property in his charge for his own use or benefit, and from permitting it to be used by or for any other person, unless authorized to do so by some law or ordinance.

Approved October 26, 1853.

TREASURER.

Payment by, to Departments and Boards Regulated.

AN ORDINANCE regulating the manner of the payments to be made by the City Treasurer to the Louisville School Board, to the Board of Park Commissioners, to the Board of Managers of the Louisville Industrial School of Reform (or House of Refuge), and to the Commissioners of the Louisville Sinking Fund.

Be it ordained by the General Council of the city of Louisville:

§ 1. That the amounts received by the City Treasurer from the Receiver of City Taxes for the credit, respectively, of the Louisville School Board, of the Board of Park Commissioners, of the Board of Managers of the Louisville Industrial School of Reform (or House of Refuge), and of the Commissioners of the Louisville Sinking Fund, shall be paid by the said Treasurer to them, respectively, in weekly installments. The receipts of the proper officers of the institutions receiving the money to be evidence of payment in settling the accounts of the City Treasurer.

§ 2. All ordinances in conflict with this ordinance be and are hereby repealed.

§ 3. This ordinance shall take effect from and after its publication.

Approved January 31, 1896.

TREASURER.

Clerk's Salary.

AN ORDINANCE for providing a clerk for the City Treasurer and fixing his salary.

Be it ordained by the General Council of the city of Louisville:

§ 1. That the City Treasurer, with the approval of the Mayor, shall have the power to appoint a clerk for his office, to perform such duties as directed by the said Treasurer or by ordinance.

§ 2. The said clerk shall receive fifteen hundred (\$1,500) dollars per annum, payable in monthly installments, on the pay-roll of the city officers.

§ 3. All ordinances in conflict herewith be and are hereby repealed.

Approved September 30, 1895.

TRESPASS ON VACANT LOTS.

Ordinance Prohibiting.

AN ORDINANCE prohibiting certain trespasses in vacant lots or commons within the limits of the city of Louisville.

Be it ordained by the General Council of the city of Louisville:

§ 1. That hereafter it shall be unlawful for any person to dump or throw any dirt, trash, or rubbish of any kind or description on any vacant lot or common within the limits of the city of Louisville, or to dig, cut, or carry off from any such lot or common any dirt, or sod, without first having obtained the permission of the owner of said lot or common in writing.

§ 2. For any violations of the provisions of this ordinance the party offending, on conviction therefor, shall be fined not less than ten dollars nor more than twenty dollars for each offense.

§ 3. This ordinance shall take effect from and after its publication.

Approved June 26, 1894.

UNDERGROUND WIRES.

AN ORDINANCE concerning telegraph, telephone and electric light and power wires in the city of Louisville.

WHEREAS, Great danger to human life and property is occasioned by the large number of telegraph, telephone and electric light and power wires which have been erected and are trained, maintained and operated on, over and along the public ways of the city of Louisville; and

WHEREAS, The existence of such wires interferes with the necessary approach to the buildings on said public ways for other purposes, and incommodes the public use of the streets and alleys where such wires are located; and,

WHEREAS, Certain of the telegraph, telephone and electric and power companies now operating their lines within the city of Louisville obtained the privilege to erect poles and train, operate and maintain their wires on, over and along the public ways of the city upon the condition and agreement that they would remove such wires and poles, and place their wires underground when required or directed to do so by ordinance of the General Council; and,

WHEREAS, The maintenance of telegraph, telephone and electric light and power poles and wires upon and along the public ways of the city mars the beauty of such public ways, and it has become entirely feasible and practicable to train and operate electric wires, both low and high tension systems, underground;

Now, therefore, in the exercise of the police powers vested in the city of Louisville,

Be it ordained by the General Council of the city of Louisville:

§ 1. That for the purpose of this ordinance as hereinafter provided, a district in the city of Louisville is hereby defined and shall hereafter be known and referred to as "District A."

The said District A shall be bounded as follows: On the north by the north line of Main street; on the east by the west line of Floyd street; on the south by the south line of Broad-

way street, except between Second and Fifth streets by the south line of York street; on the west by the east line of Eighth street.

No telegraph, telephone or electric light or power poles, wires, tubes or cables or other wires shall be hereafter placed above the surface of any street, alley or public place in that portion of the city of Louisville embraced within the boundaries of said District A, except the following, to-wit:

(1) Conductors placed inside of posts or brackets used in connecting lamps and signal boxes on streets with underground conductors.

(2) Overhead trolley wires and wires and poles used by street railway or railroad companies, supporting said trolley wires.

(3) Wires, cables, tubes and other electrical conductors as may be necessary for local distribution within the boundary of each city block within said District A, but not upon, across, over or above the surface of the streets surrounding the blocks of and in said District A may be maintained overhead within the confines of each of said blocks in said District A, but by such means and in the manner as the Board of Public Works shall direct, and under the supervision, rules and regulations of said Board of Public Works.

Low potential signaling wires may be trained overhead across streets, in the discretion of the Board of Public Works.

(4) Such temporary poles, wires and appliances as may be necessary to keep in repair and maintain or extend and make connections with the lines now owned and operated by telegraph, telephone, electric light and power companies, until such time as by the provisions of this ordinance such lines are required to be placed under ground within District A.

§ 2. That all conductors, poles, wires, cables and other appurtenances along or across any street, alley or public place in District A of the city, described in Section 1 of this ordinance, except

(a) Overhead trolley wires used by street railway or railroad companies and supporting wires and poles for the same.

(b) Conductors placed inside of posts or brackets used in connecting lamps and signal boxes on streets with underground conductors.

(c) Poles, wires, cables, tubes and other electrical conductors as may be necessary for local distribution, as provided in Subsection 3, Section 1 herein.

Shall, prior to December 31, 1910, be removed, and all wires, ducts, tubes, cables and other appurtenances necessary for the distribution of electricity for telegraph or telephone service, or for light or power service, or for any other purpose in said Dis-

trict A, except as heretofore provided, shall be placed and maintained under ground. All poles, wires, cables, tubes or other appurtenances except as heretofore provided, remaining above ground in said District A after December 31, 1910, shall be deemed as unlawful obstructions to, and encroachments upon, the public ways of the city, and, as such, the Board of Public Works shall remove or cause the same to be removed at the cost and expense of the owner or owners thereof.

§ 3. That any person or corporation which is now duly authorized by law, or which hereafter may be thus authorized to operate wires, tubes or cables conducting, transmitting or employing electricity, including telegraph or telephone service, or for any other purpose, along, over or across any streets, alleys or public places of the city of Louisville, desiring to place wires, tubes or cables under the surface of any of the streets, alleys or public places in the city, is hereby authorized, after the passage of this ordinance, to construct underground conduits and to place and operate wires, tubes or cables under ground to the extent to which it is so duly authorized to use such streets, alleys or public places—but such company must apply for and receive from the Board of Public Works a permit to construct such conduits, ducts, manholes and other appurtenances as may be required for placing said wires, tubes or cables under ground: which application shall be accompanied by full, general and detail specifications and plans showing the route, capacity and dimensions of said conduits, ducts, manholes and other appurtenances.

§ 4. That the Board of Public Works is hereby authorized and directed upon receipt of an application made as provided in Section 3 of this ordinance, which application for placing existing overhead wires under ground must be made within five (5) months after the passage of this ordinance to promptly consider the matter of constructing conduits, ducts, manholes and other appurtenances in the streets, alleys and public places within said District A named in said application. The Board of Public Works shall consider all applications, statements, plans and details presented and examine into the space available for conduits or ducts under the streets, alleys and public places applied for, and shall decide upon and approve such plans, specifications, materials and details for construction of such conduits, ducts, manholes, and provide such conditions as in its opinion the public interests and needs of the applicant seem to demand, and shall include in the plants one duct in each trench, and reserve the privilege of use of manholes and appurtenances for use of the city as it may require for its police and fire alarm circuits and telephone service or other services that the city may require or designate. Such ducts, manholes and appurte-

nances in connection therewith shall be constructed and maintained by the parties receiving the permit, and to be used by the city free of charge or cost of any kind.

§ 5. That all persons and corporations required by the provisions of this ordinance to place their wires under ground are required to begin the work of constructing said conduit system within one hundred and twenty (120) days after receiving a permit from the Board of Public Works, as provided in Section 3, and to complete the work of putting said wires under ground and of removing all poles, overhead wires, appurtenances, etc., from all streets, alleys and public places in District A on or before December 31, 1910, so that no poles, wires, cables, conductors or appurtances shall remain above ground upon any of the streets, alleys or public places in said District A after December 31, 1910, except as provided in Section 1, Sub-sections 1, 2 and 3 and Section 2, Sub-sections a, b and c of this ordinance.

§ 6. That any person or corporation desiring to make an excavation in an improved public street, alley or highway for any purpose mentioned in this ordinance, shall apply to the Board of Public Works for a permit, which permit shall only be issued after the applicant has deposited with the city of Louisville the sum of twenty-five (\$25.00) dollars for each seventy-five (75) feet of trench, or fractional part of seventy-five (75) feet to be excavated, as a special fund to be used by the Board of Public Works as hereinafter provided, or after bond and the like amount has been executed in such form and with such sureties as the Board of Public Works may approve, which shall be renewed from time to time as said board may direct. In making excavations in improved streets, alleys or highways and in re-filling all trenches made in streets, alleys or highways, all work shall be done as directed by the Board of Public Works and shall be maintained for a period of twelve (12) months after the completion thereof to the satisfaction of the Board of Public Works. Whenever any of the aforesaid work is not done strictly in compliance with the rules and regulations prescribed by the Board of Public Works, or is not properly maintained for a period of twelve (12) months after the completion thereof, then the said Board shall cause all such work to be done and the cost thereof shall be charged against the person or corporation in default. Whenever the whole or part of said deposit as provided in Section 6 shall have been expended for the purpose herein described, or there is a charge against the bond therein provided, no new permit for the excavation shall be issued to the person or corporation in whose deposit there is a deficit or against whose bond there is a charge until the fund is brought up again by the further deposit with the

City Treasurer in the sum of twenty-five (\$25.00) dollars for each seventy-five (75) feet of trench, or fractional part of seventy-five (75) feet excavated, or additional bond given. Whenever a person or corporation who has a deposit with the City Treasurer for the purpose of taking out permits for excavations under this section, desires to withdraw the said deposit, he shall notify the Board of Public Works, who thereupon shall certify to the City Treasurer the amount of the unexpended balance of said deposit, and the City Treasurer shall pay to said person or corporation holding said certificate the amount of such unexpended balance of said deposit as shown by such certificate, and take a receipt in full thereof, provided that all excavations previously made by such person or corporation have been refilled and all pavements repaired to the satisfaction of the Board of Public Works, and have been maintained in good order for at least twelve (12) months after completion of such work; and likewise the amount of the bond provided in this section and in Section 11 may in like manner be reduced or nullified with the consent of the Board of Public Works. The Board of Public Works is hereby empowered, upon the granting of a permit, to name an Inspector, who shall be paid by the party or parties receiving such permit, until all the work of the main conduits and lateral system as contemplated in said permit has been completed, and whose duty it shall be to continually inspect and oversee such work, and to report to said board any violation of any of the provisions of this ordinance, or any of the rules or regulations prescribed by said board.

§ 7. All wires, conduits, pipes, ducts and appurtenances required by this ordinance to be replaced under ground shall be placed at such depth that the top of any part of the ducts thereof shall not be less than two (2) feet below the surface of the street, avenue, alley or public place wherein they are located, and shall be so located and constructed as not to interfere with or disturb existing surface of underground structures, conduits, pipes or other property belonging to other corporations, companies or persons, or sewers or sewer connections. All conduits shall be provided with ducts at least fifty per cent. in excess of those required to carry the wires in use along the route of the proposed conduits at the time of making application for a permit to construct same. Nothing contained herein shall preclude the city from prosecuting or authorizing any public work of any character, but in the prosecution of any public work of any character hereafter the Board of Public Works shall have the power, if it deem the same necessary, to require the temporary removal of any wire, pipe, conduit or appliance authorized by this ordinance to be laid, and the same shall be removed or necessary changes made therein by the owner thereof so as to conform to

any reasonable requirement of said Board, and in case of failure on the part of any person or corporation to comply with any such order or requirement, then the said board may make such removal or change, and the necessary cost thereof shall be paid by said person or corporation to the City Treasurer upon proper demand being made therefor.

§ 8. The Board of Public Works shall grant permission to any person or corporation to connect drainage system from conduits and manholes to the city sewer system when it is considered desirable and practicable. If not practicable, the Board of Public Works may, if it thinks that it is advisable, allow such persons or corporation owning conduits to construct and maintain necessary drains to run under the street to some point where drainage can be obtained.

§ 9. All the expense connected with the removal of poles, wires and other appurtenances and the making good of damages to any person or property in so doing shall be borne by the parties obtaining permits under this ordinance, respectively. When poles are removed from public streets, thoroughfares or alleys, all holes shall be filled up and the sidewalks and pavements placed in good condition similar to the surrounding sidewalk or pavement in a manner satisfactory to the Board of Public Works.

§ 10. All persons and corporations owning conduits shall obtain from the Board of Public Works permits for each individual connection with the main conduit system along said route of said system. Written permission shall first be obtained from the owner of the property to make such excavation as necessary to do the work on his premises, and a copy of this permit shall be presented to the Board of Public Works for their approval, and, after approval, they shall issue permit to open street and do necessary work therein for said lateral conduits. Such part of any lateral or individual connection as shall be constructed in any street, alley or other public place shall be constructed at the sole expense of the party or corporation owning the main conduit.

§ 11. The Board of Public Works is hereby authorized and directed to grant permits to construct, alter and repair conduits, ducts, manholes and other appurtenances under the surface of any street, alley or public place within the city, and to string wires, tubes and cables therein, under the terms and in accordance with the provisions of this ordinance, to any person or corporation having the lawful authority, and to the extent which he or it may have to use the streets, alleys or public ways of the city for furnishing or using electricity for public use, including telegraph or telephone service, on compliance by such person or corporation with the terms and conditions of this or-

dinance; provided such person or corporation has theretofore acquired, or hereafter may acquire, the right to use such streets, alleys or public places for such purposes, and further provided that such person or corporation shall file with the City Treasurer a penal bond in the sum of fifteen thousand (\$15,000.00) dollars, with good and sufficient surety or sureties, approved by the Board of Public Works, conditioned that such conduits, ducts, manholes and other appurtenances shall be constructed in strict accordance with the plans and specifications approved by the Board of Public Works, and that the city shall be held harmless from all suits for damages which may arise from the construction of said conduits, ducts, manholes and other appurtenances; and conditioned further, that such person or corporation shall faithfully comply with all the terms of this ordinance concerning conduits, ducts and other appurtenances and underground wires. Such bond shall be renewed from time to time whenever the Board of Public Works may so order, as the condition for the continued use of the conduit privileges obtained under this ordinance, and any refusal to renew a bond when so ordered shall forfeit all the rights hereunder.

§ 12. That whenever the plans as approved by the Board of Public Works require two or more applicants for conduits to use a common trench or space for conduits in any portion of any street, alley or other place, then all such applicants shall carry on work of construction at such points as nearly at the same time as may be directed by said board so as to disturb the street, alley or other public place at such point to the least degree possible; and any applicant refusing or failing, without an excuse satisfactory to the Board of Public Works, to carry on his or its work of construction at such point at the time and in the manner directed by said board shall be deemed to have waived any right to such trench or space or conduit embraced in his or its application.

§ 13. That whenever the plans, as approved by the Board of Public Works, require construction by two or more applicants for conduits on the same street, alley or public place, then the Board of Public Works shall direct the manner of constructing conduits as relative to time when the various parties or corporations shall proceed with the work, and if conduits of separate parties or corporations be adjacent to each other, then one conduit shall be first completed and proper time allowed for thorough setting of concrete around its ducts before trench is dug for adjacent conduit of other party or corporation.

§ 14. That any permit granted under this ordinance shall become void unless the work therein authorized is begun within one hundred and twenty (120) days after such permit is is-

sued, and proceeded with continuously and in good faith to completion within a reasonable time thereafter.

§ 15. That wires of low tension and wires of high tension shall occupy conduits on opposite sides of all streets and alleys whenever practicable, and all electric light and power wires shall be deemed of high tension and all other wires shall be deemed of low tension.

§ 16. That every person or corporation making application to place its wires under ground, as provided in this ordinance, shall give to the city of Louisville the right to use such poles as may be erected for local distribution or street lights in any part of District A, whenever the city shall require the same, for the use of the Fire Alarm, Police or Telephone systems of the city, or other city uses, to the extent such use is necessary for such purposes, but such use shall not exclude control and use of said poles by said company for its own purposes.

§ 17. Plans showing all details of conduit construction and the disposition of all electrical conductors and apparatus within or connected with the conduits shall be filed with the Board of Public Works promptly on the execution of any work, so that a complete record of all conduits with their appurtenances and underground connections, together with the electrical conductors and apparatus installed in connection therewith, shall at all times be on file with the said Board of Public Works.

§ 18. That it shall be the duty of the police force of the city of Louisville to assist in the enforcement of this ordinance, and to arrest and prosecute any person violating any of the provisions of this ordinance, or interfering with any wire, cable or conduit, or disturbing any cover or lid or manhole or service box for electric wires of any kind, without the proper badge of authority as provided herein.

§ 19. That any person or corporation who shall interfere with a wire, cable or conduit or remove the cover or lid of any manhole or service-box for electric or other wires, without having a numbered badge of authority or having actual authority, shall be deemed guilty of a misdemeanor and punished as hereinafter provided.

§ 20. That all persons or corporations having underground conduits shall register with the Board of Public Works the employes whom they wish to be recognized as authorized to open manholes and service-boxes for the purpose of making repairs or inspection, and the registration shall be kept by the Board of Public Works, which shall, in its discretion, issue numbered badges of authority upon the written request and at the expense of the company employing the person so registered, subject to such rules and regulations as said board may prescribe. The said badge shall be authority for six (6) months, or until the

name of such person is withdrawn from said registration by the corporation or person having registered it, unless sooner revoked by said board.

§ 21. That it shall be the duty of every person and corporation to take necessary precautions and see that every open man-hole or service-box opened by his or its authority is guarded and a red flag signal is displayed by day and a red light signal displayed by night at such opening until the cover is properly restored. Any person or corporation or employe thereof who shall fail to observe all or any of the requirements of this section shall be deemed guilty of a misdemeanor, and, upon conviction thereof, be subject to a fine as hereinafter provided.

§ 22. That the Board of Public Works is hereby authorized to issue permits to persons or corporations applying therefor, allowing such applicant to erect and maintain above ground in District A, subject to the rules, regulations and supervision of said board, such temporary poles, wires, or other appurtenances for telegraph, telephone or electric light or power uses as may appear to said board to be necessary on special occasions; provided, however, that each applicant for a permit under this section shall execute bond satisfactory to the Board of Public Works that all poles, wires and other appurtenances erected under such permit will be erected and maintained strictly under the directions of said board and removed by said applicant within ten days from the expiration of said permit; and further provided that said Board of Public Works shall not have authority to issue any permit for a term of more than thirty (30) days, nor to renew any permit for the purpose of extending such term. Any person or corporation receiving such permit who shall violate any rule or regulation of said board shall be deemed guilty of a misdemeanor, and, upon conviction thereof, be subject to a fine as hereinafter provided.

§ 23. That after the passage of this ordinance the Board of Public Works shall not issue to any authorized applicant permission to occupy any special space, or begin work in connection with their application in any part of District A within five (5) months from date of the passage of this ordinance, which will allow all authorized applicants time to submit their plans and the board opportunity to consider the total demand for space from all authorized applicants.

§ 24. That any person or corporation who shall violate any provision of this ordinance shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than ten dollars (\$10.00) nor more than one hundred dollars (\$100.00) for each offense, and each day said violation continues shall constitute a separate offense.

§ 25. That the city of Louisville reserves to itself all rights

and powers which are now or may hereafter be vested in its General Council, Board of Public Works or other officers concerning the control and the regulation of the use of its streets, avenues, alleys, highways and other public places to prevent encumbering the same, to regulate and protect all future uses of same, and does reserve to the fullest extent the right and power to exercise any and all of its police powers at any time, and nothing contained herein shall be construed to in any wise abridge, prevent or waive any of such powers, nor shall any exception herein be construed to prevent or abridge further regulation and control.

§ 26. That it is expressly ordained and provided that no person, firm or corporation shall, by reason of compliance with this ordinance, acquire any rights or privileges other or further than herein specifically expressed, and nothing herein contained shall be construed as extending or changing the terms, length of time, or any of the conditions of any contract or agreement now existing between the city of Louisville and any person, firm or corporation.

§ 27. That all ordinances, or parts of ordinances, in conflict herewith shall be, and they are hereby repealed.

§ 28. That this ordinance shall take effect from its passage.
Approved June 18, 1906.

UNION LABEL.

Prescribing Use of, on All Public Printing.

AN ORDINANCE prescribing the use of the union label in certain city work, and providing for an enforcement of the same.

Be it ordained by the General Council of the city of Louisville:

§ 1. All printing, advertising, book-binding, book-making, and other work of like character used or ordered by the city of Louisville, or for which the city of Louisville, by reason of its fiscal connection with the county of Jefferson, is obliged to pay a large per cent. of the cost, shall bear the imprint of the recognized union label of the Allied Printing Trades' Council of Louisville, Ky., as registered with the Secretary of State.

§ 2. The City Buyer, or any city official, when advertising for printed matter, shall insert a notice in the advertisement that all bids shall be submitted in accordance with this ordinance.

§ 3. No claim presented to the General Council of the city of Louisville, in contravention with the provisions of this ordinance, shall be binding upon said city, unless the same be by ordinance setting forth clearly that the same is directly contradictory herewith.

§ 4. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

§ 5. This ordinance shall take effect from its passage and publication.

Approved January 24, 1898.

UNCONSTITUTIONAL—Judge Miller has decided this ordinance invalid in the case of Davidson vs. City of Louisville, No. 37395, Jefferson Circuit Court.

VEHICLES—LOADS OF.

AN ORDINANCE regulating the loads on vehicles which may be used in hauling merchandise or other articles in the limits of the city of Louisville.

Be it ordained by the General Council of the city of Louisville:

§ 1. That hereafter the weight of a load of merchandise, or other articles hauled over any of the streets or alleys of the city by any four-wheeled vehicle, shall not exceed in amount as follows, viz: Eleven thousand pounds for a tire of four inches; for a tire of three and a half inches, ten thousand pounds; for a tire of three inches, nine thousand pounds; for a tire of two and three-quarter inches, eight thousand pounds; for a tire of two and a half inches, seven thousand pounds; for a tire of two and a quarter inches, five thousand pounds; for a tire of two inches, four thousand five hundred pounds; for a tire of one and three-quarter inches, three thousand five hundred pounds; for a tire of one and one-half inches, two thousand five hundred pounds.

§ 2. The weight of a load of merchandise, or other articles hauled over the streets or alleys of the city of any cart, dray, or other two-wheeled vehicle, shall not exceed in amount as follows, viz.: For a tire of four inches, five thousand pounds; for a tire of three and a half inches, four thousand five hundred pounds; for a tire of three inches, four thousand pounds; for a tire of two and three-quarter inches, thirty-five hundred pounds; for a tire two and a half inches, three thousand pounds; for a tire of two and a quarter inches, two thousand five hundred pounds; for a tire of two inches, two thousand pounds; for a tire of one

and three-quarters inches, fifteen hundred pounds; for a tire of one and a half inches, one thousand pounds.

§ 3. Vehicles, whether four-wheeled or two-wheeled, engaged in hauling boilers, engines, cylinders, shafting, or stone, when in a single piece, may haul such articles in excess of the weight allowed above, provided the tires of such vehicles are not less than four inches in width.

§ 4. Every vehicle licensed to haul merchandise, or other articles, within the city limits, shall have its number, name of owner, and maximum weight of load, as authorized by this ordinance, painted on a piece of tin not less than nine by three inches in size, and fastened in a conspicuous place on said vehicle.

§ 5. Policemen are granted the authority to weigh any load they may deem necessary.

§ 6. It shall be the duty of the license inspector to ascertain correctly the actual width of the tire of each dray, cart, wagon, or other vehicle which shall hereafter be licensed to haul merchandise or other articles within the city limits, and to furnish the chief of police with the number, name of owner, width of tire, and kind of each such vehicle.

§ 7. For a violation of any of the provisions of this ordinance the owner or driver of the vehicle shall, for each offense, be fined not less than two dollars nor more than fifteen dollars.

§ 8. Four-wheeled vehicles, constructed with a straight coupling, and without a fifth or pivot wheel, or a cut under, may haul one thousand pounds in excess of the above provisions.

§ 9. Ordinance No. 498 and all ordinances in conflict herewith are hereby repealed.

§ 10. This ordinance shall take effect from its passage.

Approved September 16, 1895.

VEHICLES—PUBLIC.

AN ORDINANCE concerning coaches, cabs, carriages, coupes, or hacks, prescribing the duties, conduct, etc., of owners and drivers thereof, enforcing observance of said duties, and fixing the charges for transporting passengers and their baggage.

Be it ordained by the General Council of the city of Louisville:

§ 1. That coaches, cabs, carriages coupes, or hacks, used

for the conveyance of persons within the city of Louisville for hire or compensation, shall be deemed hackney carriages or hacks, and so called.

§ 2. It shall be the duty of the secretary and treasurer of the Sinking Fund to furnish any applicant whom he may deem entitled to same with a printed copy in substance of Sections 3, 4, 5, 9, 10, 11 and 12 of this ordinance; also, if the owner of a licensed hack, with a copy of the license, and attached thereto a printed statement of the rate charges for transporting passengers and their baggage allowed by this ordinance.

§ 3. Every hack, when driven or used, shall have fixed upon some conspicuous part of the outside thereof two lamps, with plain glass front and sides, with the number of the hack painted on each of said glass fronts and sides with black paint, in legible figures at least two inches in length, and with no other figure or device, so that the same may be distinctly seen and known when the hack may be standing or driven; the said lamps to be lighted and kept lighted at night, and the owner or driver of every hack which shall be driven or used without complying with the foregoing provisions shall each or either be fined severally and respectively \$10 for each and every offense.

§ 4. He shall place and keep in a conspicuous position, in the interior of such hack, a legibly printed card containing in substance, the provisions of Sections 3, 4, 5, 9, 10, 11 and 12 of this ordinance, the name and residence of the owner, a printed and legible copy of the rates and charges authorized by this ordinance, and attached thereto a copy of his hack license, in a legible condition, so that the name and residence of the owner, the copy of his license and copy of the rates of charges, and the printed substance of the aforesaid sections of this ordinance, may be conveniently seen and read in the day time by any person capable of reading who may be a passenger in such hack. And no person so obtaining hack license shall permit any other person to drive said hack than a hack driver, at the time regularly licensed as such, as *provided* by Section 8 of this ordinance, under penalty of a fine of from one dollar to five dollars for each day or night, or part of a day or night he shall so permit. But the person to whom a hack license is granted may himself drive that hack without obtaining a hack driver's license himself.

§ 5. Every owner or driver of a licensed hack, whenever he shall drive such vehicle, or be with it waiting for employment at any place in the city, shall wear exposed on the left lapel of his coat a white metal badge, as near as may be of the dimensions of a silver half dollar, with the words, "Licensed hack," and the number of the hack placed thereon in

plain black letters and numerals sufficiently large to be easily distinguished; said badges shall be prepared and furnished by the Commissioners of the Sinking Fund.

No owner of a hack shall permit his driver to drive or be with any vehicle, waiting for employment, without wearing the badge as prescribed herein.

No person except the licensed owner, or driver employed by him, shall wear the badge of such owner, or any badge purporting to be or in imitation of same: *Provided*, that such badge need not be worn in the cases of livery corporations and other carriage associations when their driver is clothed in a full uniform or livery; the same in the case of each carriage company to be approved by and registered with the Board of Public Safety.

For any violation of any provision of this section the offender shall be fined not less than five dollars nor more than ten dollars for each offense.

§ Every owner or driver of a licensed hack, who shall refuse or neglect to convey any person, with or without baggage, to any place in the city limits, when applied to for that purpose, or who shall ask, demand, take, or extort any higher or greater price, rate or charge than is herein established, or who shall neglect to place and keep the legibly printed card containing the name and residence of the owner, the copy of his license and rates of charge inside of the hack, as prescribed in Section 3, or who shall refuse or omit, when requested, truly to inform any person as to whether the hack is or is not engaged, or of the true number of the hack, the name and place of abode of the owner, or the correct amount of the rate of fare authorized to be charged for the use of it by this ordinance, or who shall willfully mislead or misconvey any person, or willfully neglect or refuse to convey any person by the most direct route to his or her place of destination in the city, or insult by abusive, indecent, or opprobrious language, any person or passenger whom he shall have or shall have had in his care, or who may apply to him for conveyance in the hack of which he is owner or driver, shall, for every such offense, be fined from two to twenty dollars, to be removed from the owner or driver severally and respectively.

§ 7. Any hack driver, while waiting for employment on any stand or elsewhere, who shall snap or flourish his whip, or who shall unnecessarily leave such vehicle, or who shall use indecent or profane language, or be guilty of boisterous talking or hallooing or other disorderly conduct, or vex or annoy any travelers, citizens, or passersby, or in any manner obstruct any crossing or sidewalks, shall be fined from two to ten dollars for each offense.

§ 8. No person, except as provided in Section 3, shall drive any licensed hack without being thereto at the time duly licensed hack without being thereto at the time duly licensed to drive, as hereinafter provided, under penalty of a fine of from one to five dollars for each offense. Any applicant considered suitable by the secretary and treasurer of the Sinking Fund to be licensed as a hack driver may obtain such license without cost; and it shall be the duty of the secretary and treasurer of the Sinking Fund to issue such applicant a license to drive, stating the name, age, and residence of the person to whom the license is granted, the date of the license, and the time for which it is granted, which shall be for one year from the date thereof, and no longer, and upon the issuing of the license it shall be the duty of the secretary and treasurer of the Sinking Fund to cause the same to be registered.

§ 9. No owner or driver shall demand or receive any pay for the conveyance of any passenger, or baggage, unless the ligibly printed copy, in substance, of Sections 3, 4, 5, 9, 10, 11 and 12 of this ordinance, the name and residence of the owner, the copy of the hack license, and attached thereto the rates and prices of fare, as allowed by this ordinance, shall be fixed in the hack in the manner and as directed by the third section of this ordinance, at the time such passenger may be conveyed in such hack, nor if the owner or driver shall have demanded any greater price or rate of pay than he may be legally authorized to demand and receive.

§ 10. No owner or driver of any licensed hack, while on any of the stands now established, or which may be hereafter established, or at any steamboat or other landing, or while waiting for employment at any other place in the city than the stable or residence of the owner or driver thereof, shall refuse or neglect to convey any person or persons to any place or places in the city, on being applied to for that purpose; and, on the person or persons being placed in such hack, the driver shall at once proceed to convey such passenger or passengers to such place or places within the city limits as he, she or they may desire or request; nor shall the owner or driver place or permit any other person or persons in such hack without first requesting and obtaining the express consent of the person or persons therein, or of the person or persons who first engaged to call upon him, under a penalty of a fine of ten dollars for each and every refusal, neglect or offense, besides a forfeiture of all right to demand or receive any pay from any of the passengers.

§ 11. The following rates and prices of fare for the use of hacks are hereby established: For transportation of passengers any distance in the city, not exceeding fourteen squares, not more than fifty cents; any distance in the city exceeding four-

teen squares, but not exceeding twenty squares, for one passenger, not more than seventy-five cents, and not more than fifty cents for each additional passenger; any distance in the city exceeding twenty squares, for one passenger, not more than one dollar, and not more than seventy-five cents for each additional passenger. In any of the foregoing cases, if the hack should not have been employed by the hour, yet should be used or detained for an hour or more, the charge therefor may, at the option of the driver, be made as though the hack had been employed or engaged by the hour. When engaged by the hour, for one or more passengers, the charge for the load shall be, for the first hour, one dollar and fifty cents, and at the rate of one dollar per hour for each succeeding hour; and when engaged by the hour the charge for an hour shall be collectable, though the hack may not have been used the full hour. When engaged by the day the charge shall be eight dollars per day. Ten hours shall be considered a day, but the driver shall not, unless first agreeing thereto, be compelled to drive after dark to make up the ten hours. And if the hack should be used or detained longer than the ten hours, the additional hours, unless otherwise agreed to, shall be charged for as though the hack had been employed by the hour. For services during the night the charge shall be the same as in the day. For attending funerals not more than three dollars, but no owner or driver shall be compelled, unless he shall contract to do so, to attend with his hack at a funeral. In the foregoing charges is included the charge for transportation of baggage for each passenger, not exceeding fifty pounds in weight, and any excess is to be paid for at the rate of twenty-five cents per one hundred pounds.

§ 12. No driver shall be compelled to take more grown passengers than four. No charge shall be made for children five years of age and under, who are in care of passengers who are chargeable. Children beyond five years and not exceeding twelve years shall be chargeable only half fare.

§ 13. Any owner or driver having engaged to perform services with his hack, who shall, without just cause, fail or refuse to comply with the engagement, shall be liable to a fine of from two dollars to twenty dollars for each offense, besides being liable to the party complaining in a civil action.

§ 14. For a violation or non-observance of any of the provisions of this ordinance, the owner and driver of the hack shall each or either be jointly and severally liable to a fine of not less than two dollars nor more than twenty dollars for each offense, unless when the penalty or fine is herein otherwise specially designated, and then he or they shall be so liable to such penalty or fine.

§ 15. The fines and penalties imposed by this ordinance shall be recoverable for the use and benefit of the city of Louisville, before the judge of the City Court by a warrant in the name of the city. It shall be the duty of the officer making arrest for any of the causes permitted in this section to take such steps as may be necessary to have a proper care taken of the back and horses, at the expense of the owner, while the hackman may be in custody.

§ 16. Any driver or owner of a licensed hack, who shall be thrice convicted of a breach of the provisions of this ordinance, shall be deprived of his license, and forever debarred from a license under this ordinance unless by consent of the General Council.

§ 17. It shall be the duty of all owners of hacks now licensed to comply with the provisions and requirements of this ordinance within ten days after its publication, and on failure to do so the license of such one so failing shall be and is hereby declared forfeited and revoked from and after that date.

§ 18. All ordinances and parts of ordinances, in so far as they are in conflict or inconsistent herewith, are hereby repealed.

§ 19. This ordinance shall take effect from and after its passage.

Approved June 26, 1894.

VEHICLES IN PARADES.

AN ORDINANCE regulating the position of vehicles during a public parade.

Be it ordained by the General Council of the city of Louisville:

§ 1. That hereafter it shall be unlawful for any person to drive or cause to be driven, or cause to stand, any wagon, dray, buggy, carriage, or other vehicle, excepting such vehicles as are now given the right of way by law, on any street along which a parade may be passing, or about to pass or to be on the streets of the line of march after the passage of such parade nearer than one square from such parade.

§ 2. It shall be the duty of the police to cause all vehicles, excepting such vehicles as are now given the right of way by law, to be removed from the streets upon the approach of any parade, and not permit such vehicles to return to the streets of the line of march of a parade until the parade has passed one block.

§ 3. It shall be unlawful for any person, or persons, to cause any vehicle to be driven in advance of any parade, or to follow any parade nearer than one block with any advertising sign or device, without first procuring the written permission from the promoter or promoters of such parade, which permit must be shown to any police officer when so requested.

§ 4. Any person violating the provisions of this ordinance, or refusing to move when so ordered by any member of the police force, shall be fined not less than ten nor more than twenty-five dollars for each offense.

§ 5. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

§ 6. This ordinance to take effect from and after its passage and publication.

Approved June 28, 1898.

VEHICLES, DRIVING.

AN ORDINANCE concerning the management of vehicles in the public streets.

Be it ordained by the General Council of the city of Louisville:

§ 1. If any driver of a vehicle shall be more than ten feet from the horses, or other animals harnessed in the vehicle then under his charge, or shall crack a whip or make other noise calculated to frighten such animals in harness, or shall stand with other drivers in numbers, so as to obstruct free passage on sidewalk or street, or shall stand his vehicle near a tavern or railroad depot, so as to prevent free access thereto by other person or vehicle, or shall so drive as to endanger life or limb of any person, he shall be fined \$10.

§ 2. All drivers of teams and vehicles in the city of Louisville, who shall be found out of reach of the reins attached to said teams or vehicles, when in motion, shall be fined not less than \$10 nor more than \$20, and the fines collected be placed to the credit of the public school fund.

Approved October 26, 1853.

VEHICLES, SPEED OF.

AN ORDINANCE regulating the speed of vehicles of the Louisville Electric Light Company and Louisville Railway Company in fire alarms, fires, and accidents.

Be it ordained by the General Council of the city of Louisville:

§ 1. That in order to better protect the life and property of the citizens of Louisville in case of fire alarms, fires, or accidents in said city, the Louisville Electric Light Company and the Louisville Railway Company are hereby authorized and empowered to use and run the vehicles used by them on such occasions at such rates of speed, over and along the streets of Louisville, that will permit them to reach the place of such fire alarms, fires, or accidents at the earliest possible time.

§ 2. That vehicles so used shall have the name of said companies in plain letters thereon, and shall be supplied with a suitable gong; to be sounded continuously during their progress; and such persons connected with such vehicles shall have a white metal badge, showing his connection therewith.

§ 3. This ordinance shall take effect from its publication.

Approved February 8, 1897.

VEHICLES, WATER COMPANY.

AN ORDINANCE relating to the speed of vehicles of the Louisville Water Company in fire alarms, fires, leaks and accidents.

Be it ordained by the General Council of the city of Louisville:

§ 1. That in order to better protect the life and property of the citizens of Louisville in case of fire alarms, fires, leaks or accidents in said city, the Louisville Water Company is hereby authorized and empowered to use and run the vehicles used by them on such occasions at such rates of speed over and along the streets of Louisville that will permit them to reach the place of such fire alarms, fires, leaks or accidents at the earliest possible time.

§ 2. That the vehicles so used shall have the name of said company in plain letters thereon and shall be supplied with a suitable gong, to be sounded continuously during their progress,

and such persons connected with such vehicles shall have a white metal badge showing his connection therewith.

Approved January 31, 1906.

VEHICLES, SPEED OF.

AN ORDINANCE regulating the speed of vehicles of the Louisville Fire and Accident Dispatch in case of fire alarms, fires, accidents, burglar alarms, physicians' and nurse calls.

Be it ordained by the General Council of the city of Louisville:

§ 1. That in order to better protect the lives and property of the citizens of Louisville in the case of fire alarms, fires, accidents, burglar alarms and physicians' and nurse calls in said city, the Louisville Fire and Accident Dispatch is hereby authorized and empowered to use and run the vehicles used by them on such occasions at such rates of speed over and along the streets of the city of Louisville that will permit them to reach the place of such fire alarms, fires accidents, burglar alarms and physicians' and nurse calls at the earliest possible time.

§ 2. That the vehicles so used shall have the name of said company in plain writing thereon and shall be supplied with a suitable gong to be sounded continuously during their progress; and such persons connected with such vehicles shall have a white metal badge showing his connection therewith.

§ 3. This ordinance shall take effect from its publication.

Approved December. 10, 1908.

WARD BOUNDARIES.

AN ORDINANCE laying off the city of Louisville into twelve wards as nearly equal as practicable in population, and defining the boundaries thereof

Be it ordained by the General Council of the city of Louisville:

§ 1. That the city of Louisville be and the same is hereby laid off into twelve wards as nearly equal as practicable in population, as follows, to-wit:

§ 2. **FIRST WARD**—Beginning at a point where the center line of Hancock street, if extended, would intersect the northern boundary line of the city; thence southwardly with center line of Hancock street to the center line of Water street; thence eastwardly with the center line of Water street to the center line of Wenzel street; thence southwardly with the center line of Wenzel street to the intersection of the center line of Broadway and the center line of Wenzel street extended; thence eastwardly with the center line of Broadway to the center line of Barrett avenue; thence southeastwardly with the center line of Barrett avenue to the old city limits between Hepburn and Winter avenues; thence southwestwardly with the old city limits to the Kentucky street crossing of Beargrass Creek; thence following the old city limits in the bed of Beargrass Creek southwardly about one thousand feet; thence southwestwardly with the old city limits and following the bed of Beargrass Creek in its meanderings around by Fisher avenue to a point about nine hundred feet north of the southwest corner of St. Michael's Cemetery; thence southwardly with old city limits touching the southwest corner of St. Michael's Cemetery to a point in the present city limits about five hundred feet southwest of Goss avenue, or Poplar Level Road; thence eastwardly and following the present city limits in its meanderings to the point of beginning.

§ 3. **SECOND WARD**—Bounded on the north by the center line of Water street; on the east by the west line of the First Ward; on the south by the old city limits, running from a point in present city limits about five hundred feet southwest to Goss avenue or Poplar Level Road just south of the intersection of Texas and Mulberry streets, Lydia and Hickory street, Hoertz and Milton streets, and just north of and parallel to Hill street extended, to a point in the center line of Shelby street; on the west by the center line of Shelby street.

§ 4. **THIRD WARD**—Beginning at the intersections of the center lines of Water and Shelby streets; thence south-

wardly along the center line of Shelby street to the old city limits just north of Hill street extended, and just south of Stonewall street; thence eastwardly along the old city limits running a little south of the intersections of Milton and Hoertz streets, Lydia and Hickory streets, and Texas and Mulberry streets, and just north of and parallel to Hill street extended, to a point in present city limits about five hundred feet southwest of Goss avenue, or Poplar Level Road; thence southwardly with the present city limits to the center line of Shelby street; thence northwardly along the center line of Shelby street to the center line of Bland street; thence northwestwardly along the center line of Bland street, and Bland street extended, to the intersection of Hancock street and the old city limits; thence northwardly along the center line of Hancock street to the center line of Water street; thence eastwardly along the center line of Water street to the point of beginning.

§ 5. FOURTH WARD—Beginning at a point in the northern boundary line of the city where the same would be intersected by the center line of Hancock street extended; thence southwardly with the center line of Hancock street to the old city limits lying just north of Hill street; thence with the old city limits running just north of and parallel to Hill street, and Hill street extended, to the center line of Preston street; thence northwardly with the center line of Preston street to the northern boundary line of the city; thence with the northern boundary line of the city to the point of beginning.

§ 6. FIFTH WARD—Beginning at a point in the northern boundary line of the city where the same would be intersected by the center line of Preston street extended; thence southwardly with the center line of Preston street to the old city limits lying just north of Hill street, and Hill street extended; thence eastwardly with the old city limits lying just north of and parallel to Hill street, and Hill street extended, to Hancock street and Bland street extended; thence southeastwardly with Bland street extended and Bland street to the center line of Shelby street; thence southwardly with the center line of Shelby street to the present city limits; thence westwardly with the present city limits to the center line of Flat Lick road; thence westwardly to a point in the old city limits, being the most eastern point in the grounds of the School of Reform, and the center line of Shipp street, and Shipp street extended; thence northwestwardly along Shipp street, with the old city limits, to a point midway between First and Second streets, thence northwardly with the old city limits through the grounds of Masonic Home to a point two hundred feet west of First street and two hundred feet north of A street; thence east-

wardly with the old city limits two hundred feet to the center line of First street; thence northwardly with the center line of First street, and First street extended, to the northern boundary line of the city; thence eastwardly with the northern boundary line of the city to the point of beginning.

§ 7. SIXTH WARD—Beginning at a point in the northern boundary line of the city where the same would be intersected by the center line of First street extended; thence southwardly with the center line of First street to the old limits; thence westwardly with the old city limits two hundred feet to a point two hundred feet north of A street; hence southwardly with the old city limits to a point in the center line of Shipp street, midway between First and Second streets; thence southeastwardly along the old city limits and Shipp street, to a point being the most eastern point in the grounds of the School of Reform; thence eastwardly along the south boundary of the Fifth Ward to a point in Flat Lick road and present city limits; thence southwestwardly with the present city limits to a point where the same is intersected by the Louisville & Nashville Railroad; thence northwestwardly along the line of said road to the center line of Third street; thence northwardly with the center line of Third street to a point in the northern boundary line of the city where the same would be intersected by the center line of Third street extended; thence eastwardly along the northern boundary line of the city to the point of beginning.

§ 8. SEVENTH WARD—Beginning at a point in the northern boundary line in the city where the same would be intersected by the center line of Third street extended; thence southwardly along the center line of Third street to where the same is intersected by the main stem of the Louisville & Nashville Railroad; thence southeastwardly along the line of said road to the present city limits; thence southwardly with the city limits to where the same is intersected by the National Turnpike road; thence northwardly with the National Turnpike road and the city limits to the center line of Fourth street; thence northwardly with the center line of Fourth street and the city limits to the south line of P street; thence westwardly with the city limits to Seventh street; thence northwardly along the center line of Seventh street and the city limits to the northern line of L street; thence northeastwardly to a point midway between L street and K street extended and Fifth and Sixth streets, being the most southern point in the old city limits; thence northwestwardly with the line of the old city limits to a point about one hundred feet from the intersections of Fourth and Brandeis streets; thence with the old city limits northwestwardly to a point where the same would

be intersected by Fifth street extended between Avery and Bloom streets; thence northwardly through the center line of St. James Court, continuing in a straight line through Central Park, and the center line of Garvin Place, to the center line of St. Catherine street; thence eastwardly along the center line of St. Catherine street to the center line of Fifth street; thence northwardly along the center line of Fifth street to the northern boundary line of the city; thence eastwardly along said boundary line to the point of beginning.

§ 9. EIGHTH WARD—Beginning at a point in the northern boundary line of the city where the same would be intersected by the center line of Fifth street extended; thence southwardly along the center line of Fifth street to the center line of St. Catherine street; thence westwardly to the center line of Garvin Place; thence southwardly along the center line of Garvin Place continuing in a straight line through Central Park, and along the center line of St. James Court, and continuing in a straight line until the same would be intersected by the line of the old city limits between Bloom and Avery avenues; thence northwestwardly along the center line of the old city limits, and parallel to Shipp street, and Shipp street extended, to the center line of Seventh street; thence northwardly along the center line of Seventh street to the northern boundary line of the city; thence eastwardly with said boundary line to the point of beginning.

§ 10. NINTH WARD—Bounded on the north by the northern boundary line of the city; on the east by the western boundary line of the Eighth Ward; on the south by the old city limits lying just north of Jarvis avenue and running westwardly from the center line of Seventh street to a point two hundred and ten feet west of Seventh street; thence northwardly parallel to Seventh street to a point midway between Hill and Magnolia avenues; thence westwardly with the old city limits to the center line of Tenth street, or Tenth street extended; on the west by the center line of Tenth street, or Tenth street extended.

§ 11. TENTH WARD—Bounded on the north by the northern boundary line of the city; on the east by the center line of Tenth street, or Tenth street extended; on the north by the old city limits, running parallel to and about one hundred and fifty feet south of Burnett avenue; on the west by the center line of Fourteenth street.

§ 12. ELEVENTH WARD—Beginning at a point in the northern boundary line of the city where the same would be intersected by the center line of Fourteenth street extended; thence southwardly with the center line of Fourteenth street to the city limits about one hundred and fifty feet south of Burnett avenue; thence eastwardly with the old city limits

running about one hundred and fifty feet south of and parallel to Burnett avenue to a point two hundred and ten feet west of Seventh street; thence southwardly with the old city limits running parallel to Seventh street to a point two hundred and ten feet west of Seventh street, and in the line of Jarvis avenue extended; thence southeastwardly with the old city limits running parallel to Shipp avenue to a point about one hundred feet from the intersection of Fourth and Brandeis streets; thence southwestwardly with the old city limits to the most southern point in the old city limits, lying midway between L street and K street extended, and Fifth and Sixth streets; thence southwestwardly to a point in the center line of Seventh street, and the northern boundary of L street, said point being on the present city limits; thence northwardly and westwardly following the present city limits, to a point where the center line of Sixteenth street extended would intersect said limits; thence northwardly along the center line of Sixteenth street extended to a point in the city limits lying about one hundred and fifty feet south of Burnett avenue; thence westwardly along the old city limits running near Burnett avenue to the intersection of the old city limits and the center line of Twenty-first street, same being near Foree avenue; thence northwardly and following the center line of Twenty-first street and Twenty-first street extended, to the center line of Portland avenue; thence southeastwardly along the center line of Portland avenue to the center line of Eighteenth street, thence northwardly along the center line of Eighteenth street to the northern boundary line of the city; thence eastwardly with said boundary line to the point of beginning.

§ 13. TWELFTH WARD—Beginning at a point in the northern boundary line of the city where the same would be intersected by the center line of Eighteenth street extended; thence southwardly along the center line of Eighteenth street to the center line of Portland avenue; thence westwardly along the center line of Portland avenue to the center line of Twenty-first street; thence southwardly along the center line of Twenty-first street, and Twenty-first street extended to the intersection of the old city limits, being near Foree avenue; thence eastwardly along the line of the old city limits running parallel to and near Burnett avenue to the center line of Sixteenth street extended; thence southwardly along the center line of Sixteenth street extended to a point where it would intersect the present city limits; thence westwardly and following the present city limits in its meanderings to the point of beginning.

§ 14. That all ordinances and parts of ordinances in conflict with this ordinance, be and the same are hereby repealed.

§ 15. This ordinance shall take effect and be in force from and after its passage.

Approved May 27, 1902.

WATER MAINS.

AN ORDINANCE in relation to the tapping and making connection to water mains in the city of Louisville.

Be it ordained by the General Council of the city of Louisville:

§ 1. That in installing fire hydrants with the Louisville Water Company's mains, which are already laid, the connection to said water mains shall be made without shutting off the water supply, by such method as is used and approved of in the principal cities of the country, thereby avoiding the great delay of having the water supply interrupted in the event of a fire, and also prevent the shutting down of factories and elevators at such points where hydrants may be erected.

§ 2. This ordinance shall take effect from and after its publication. All ordinances in conflict herewith be, and are hereby repealed.

Approved February 8, 1897.

WEEDS, REMOVAL OF.

AN ORDINANCE requiring the removal of weeds and filth from lots in the city of Louisville.

Be it ordained by the General Council of the city of Louisville:

§ 1. That hereafter it shall be unlawful for the owner, agent or occupant of a lot whereon a building of any kind may exist, or the owner or agent in charge of any vacant lot within the corporate limits of the city of Louisville, to permit any growth of weeds, which are, or may become a menace to the public health, or collection of garbage or filth of any description to remain on the lot aforesaid for a longer period than three days after notice to remove same has been given by the Health Department of the city of Louisville to the owner, agent or occupant thus offending.

§ 2. For any violation of the provisions of this ordinance by the owner, agent or occupant of the property the person guilty thereof shall be fined not less than \$5.00 nor more than \$20.00 for each offense, and each and every day of such violation shall constitute a separate offense and be punishable as such.

§ 3. That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

§ 4. This ordinance shall take effect from and after its passage.

Approved May 2, 1906.

WEIGHTS AND MEASURES—INSPECTOR AND DUTIES.

AN ORDINANCE providing for an Inspector of Weights and Measures and a helper, prescribing their duties, and prescribing penalties for the punishment of persons who knowingly use defective or imperfect weights or measures.

Be it ordained by the General Council of the city of Louisville:

§ 1. That the weights, measures and balances received from the government of the United States, and now in the custody of the Secretary of State, shall be the standard of weights and measures in the city of Louisville.

§ 2. Any person who shall buy or sell by any weight, balance or measure not approved by the Inspector of Weights and Measures of the city of Louisville, as herein provided, or who shall knowingly use defective or imperfect weights or measures, shall be fined not less than \$10.00 nor more than \$100.00 for each offense.

§ 3. There is hereby created the office of Inspector of Weights and Measures of the city of Louisville, who shall be appointed by the Mayor of the city of Louisville immediately after the adoption of this ordinance, and shall hold his office subject to removal at the pleasure of the Mayor. Said Inspector shall, before entering upon the duties of his office, execute a bond to the city of Louisville in the sum of five thousand (\$5,000) dollars, with sufficient surety to be approved by the Mayor, conditioned for the faithful performance of his duties. Said Inspector shall receive a salary of one hundred and twenty-

five (\$125.00) dollars per month, and no fees of any kind shall be charged or received by him. It shall be the duty of said Inspector to inspect and examine, at least once in each year, and oftener, if possible, all weights, measures, scale beams, patent appliances and steelyards and other instruments used for weighing or measuring in the city of Louisville, and to stamp with a suitable seal all weights and measures and scales so used, which he may find correct, and deliver to the owner thereof a certificate of their accuracy. He shall make a register of all weights, measures, scales, beams, patent appliances, steelyards, and other instruments used for weighing, inspected and sealed by him, in which he shall state the names of the owners of the same, and whether they are conformable to the standards of the city and State. It shall be his duty to enforce this ordinance against any person, firm or corporation that shall violate any of its provisions by causing warrants to be issued against any person who uses fraudulent or unsealed weights or measures, gauges or balances, or who in any manner violates any of the provisions of this ordinance. He shall report to the Mayor quarterly and oftener, if required by him, the names of all persons whose weights, measures, scale beams, patent appliances, steelyards or other instruments used for weighing he has inspected, and whether found to be correct or incorrect. The said Inspector shall examine and inspect and seal all weight, measures, scale beams, patent appliances, and steelyards, and other instruments used for weighing at the store and places where the same may be found, but in case they, or any of them, shall be found not conformable to the standard of this city and State, they shall be sent by the owner thereof, at his expense, to the office of the Inspector, for the purpose of being adjusted and sealed, within three days after the owner thereof shall be required so to do in writing by said Inspector under penalty of ten (\$10.00) dollars for failure so to do.

§ 4. There is also hereby created the position of helper to the Inspector of Weights and Measures, who shall be appointed by the Mayor, and who shall hold his office, subject to removal by the Mayor. Said helper shall drive the wagon in which are carried the weights and measures, and other appliances used by the Inspector in the performance of his duties, and shall render such other service as shall be required by the Inspector. But said helper shall have no authority to inspect, or seal any weights, measures, scale beams, patent appliances, steelyards, and other instruments used for weighing and measuring in the city of Louisville. Said helper shall receive a salary of sixty (\$60.00) dollars per month, and no fees of any kind shall be charged or received by him.

§ 5. The hundred weight shall consist of one hundred pounds avoirdupois, and two thousand such pounds shall constitute a ton.

§ 6. The following weights shall constitute a bushel of each article named, respectively:

Wheat—Sixty pounds.

Shelled Corn—Fifty-six pounds.

Corn in Ear—Seventy pounds, from the first of November to the first of May following, and from the first of May to the first of November following, sixty-eight pounds.

Rye—Fifty-six pounds.

Oats—Shelled, thirty-two pounds.

Barley—forty-seven pounds.

Irish Potatoes—Sixty pounds.

Sweet Potatoes—Fifty-five pounds.

White Beans—Sixty pounds.

Castor Beans—Forty-five pounds.

Clover Seed—Sixty pounds.

Timothy Seed—Forty-five pounds.

Flax Seed—Fifty-six pounds.

Millet Seed—Fifty pounds.

Peas—Sixty pounds.

Bluegrass Seed—Fourteen pounds.

Buckwheat—Fifty-six pounds.

Dried Apples—Twenty-four pounds.

Dried Peaches—Thirty-nine pounds.

Onions—Fifty-seven pounds.

Bottom Onion Sets—Thirty-six pounds.

Salt—Fifty pounds.

Stone—Coal—Seventy-six pounds.

(The term coal includes anthracite, cannel, bituminous and other mined coal.)

Bran—Twenty pounds.

Plastering Hair—Eight pounds.

Turnips—Sixty pounds.

Unslacked Lime—Thirty-five pounds.

Cornmeal—Fifty pounds.

Fine Salt—Fifty-five pounds.

Hungarian Grass Seed—Fifty pounds.

Ground Peas—Twenty-four pounds.

Orchard Grass Seed—Fourteen pounds.

English Bluegrass Seed—Fourteen pounds.

Hemp Seed—Forty-four pounds.

One hundred and sixty pounds net of Irish potatoes shall constitute a merchantable barrel.

All other weights, measures and balances shall be regulated by the standard fixed in Section 1 of this ordinance.

§ 7. Any person, firm or corporation selling sand, broken stone, lime, asphalt or any other commodity of like character in the city shall provide the driver of the wagon or conveyance with a delivery ticket bearing the name of seller, showing the net measurement of the commodity, and the name and address of the purchaser, which said delivery ticket shall be delivered by the driver in charge of the wagon or conveyance to the purchaser or his agent or representative at the time of the delivery.

§ 8. Any person, firm or corporation selling coal, charcoal, coke, or any other commodity of like character in the city shall provide the driver of the wagon or conveyance with a delivery ticket bearing the name of the seller, showing the net weight of the commodity, and the name and address of the purchaser, which said delivery ticket shall be delivered by the driver in charge of the wagon or conveyance to the purchaser or his agent or representative at the time of the delivery.

§ 9. Every person in charge of a wagon or conveyance used in delivering sand, broken stone, lime, asphalt, coal, charcoal, coke or any other like commodity to whom the delivery ticket mentioned in the previous section has been given, shall on demand of the Inspector of Weights and Measures, or any License Inspector of the city of Louisville, produce and deliver said delivery ticket to the said Inspector of Weights and Measures or said License Inspector. If the quantity of such commodity shall be shown on said ticket by measure, the driver shall submit the load to be measured by any of said officers, for the purpose of verifying the measure stated upon the ticket. If the quantity of such commodity be shown upon said ticket by weight, whenever any of said officers shall demand that the weight so shown be verified, it shall thereupon be the duty of the person in charge of said wagon or conveyance to conduct the same forthwith to some scale selected by the officer making demand, and permit the weighing of the load, together with the conveyance and equipment, for the purpose of ascertaining the gross weight thereof. The person in charge of the wagon or conveyance shall, after the delivery of the load, return forthwith with the conveyance and equipment to the same scale and permit the weighing of said conveyance and equipment for the purpose of verifying the net weight of the load as shown by the delivery ticket; provided, however, that if the driver of the wagon or conveyance requests the privilege of reweighing the load upon another and different scale from that selected by the officer, such officer shall consent to such reweighing and shall accompany the load to the scale selected by the driver and make a record of the weight as shown thereby.

§ 10. Any person, firm or corporation selling and delivering or attempting to sell and deliver sand, broken stone, lime, asphalt, coal, charcoal, coke or any other like commodity in the city of Louisville without having in possession of the person in charge of the wagon or conveyance at the time such delivery is being made, a delivery ticket as provided in Sections 7 and 8 of this ordinance, or who shall fail to deliver by the person in charge of the wagon or conveyance, such delivery ticket when demanded by the Inspector of Weights and Measures, or License Inspector of the city of Louisville, shall be fined not less than five nor more than fifty dollars for each offense. Any person, firm or corporation delivering or attempting to deliver sand, broken stone, lime, asphalt, coal, charcoal, coke, or any other like commodity within the city, who shall have upon the wagon or conveyance in which delivery is being made a less quantity than that called for by the delivery ticket provided for in Sections 7 and 8 of this ordinance shall be fined not less than twenty-five dollars nor more than two hundred dollars for each offense.

§ 11. This ordinance shall take effect from and after its passage.

Approved August 18, 1908.

WEIGHTS AND MEASURES—FALSE.

AN ORDINANCE concerning the use of false weights or measures in the city of Louisville.

Be it ordained by the General Council of the city of Louisville:

§ 1. That it shall be unlawful for any person to sell any commodity by any false weight or measure, or that shall not furnish to the buyer the number of pounds required by statute to constitute a bushel, and any person who shall willfully violate the statute by giving or furnishing a false weight or measure of any commodity sold to any person in the city of Louisville shall be subject to a fine of not less than five dollars nor more than twenty dollars for each offense, and each sale shall constitute a separate offense.

§ 2. That this ordinance shall take effect from and after its passage.

Approved May 23, 1900.

WELLS, CISTERNS, WATER ATTACHMENTS.

AN ORDINANCE concerning the construction of public wells and cisterns and water attachments of the city of Louisville.

Be it ordained by the General Council of the city of Louisville:

§ 1. That the digging and walling of public wells and cisterns, and the placing of fire plugs, hydrants, and attachments to the street water pipes on the public ways within the city shall be done at the cost of the owners of lots fronting the public ways to the middle of each square from the intersection at or near which the work shall be located, or in any other equitable mode of apportionment which shall be prescribed in the ordinance for the particular work.

§ 2. This ordinance to take effect from and after its publication.

Approved September 17, 1894.

WHARVES.

AN ORDINANCE concerning the receipts for the use of the wharves, landings and wharfs property of the city of Louisville, and claims for expenditures on account thereof.

Be it ordained by the General Council of the city of Louisville:

§ 1. That in pursuance of an act entitled "An act to amend an act entitled 'An act for the government of cities of the first class,' approved July 1, 1893, relating to wharves and landings of cities of the first class," approved February 28, 1902, that all amounts received by the City Treasurer from the Superintendent of Public Wharves for wharfage fees, rents for the use of wharves, leases on wharf property not needed for wharf purposes, and other moneys or penalties that may come into his hands as superintendent aforesaid, are hereby appropriated for the purpose of paying the salaries of said superintendent and his assistant and the improvements and repairs of such wharves, landings and wharf property, and such other expenses as may be incurred by the Board of Public Works from time to time on account thereof, and at the end of each fiscal year any balance of revenue remaining in the city treasury unexpended to the credit of said fund shall be transferred and passed by

the City Treasurer to the credit of the general purpose fund for the fiscal year in which such collections shall have been made.

§ 2. That it shall be the duty of the Board of Public Works, at the end of each month, to make up and certify to the City Comptroller a pay-roll in duplicate for registration for the salaries and compensation of all officers and employes and the expenses in the conduct and management of such wharves, landings and wharf property during such months, which pay-rolls shall be on printed forms to be furnished by the City Comptroller.

§ 3. That when the pay-rolls required to be made up and certified by the preceding section have been registered by the City Comptroller he shall transmit the same to the General council for approval, and after the same have been approved by the General Council and Mayor, the Auditor shall draw his warrants in favor of each person whose name appears upon such pay-rolls, or his assignee, and on the delivery of such warrant the same shall be receipted for by such claimant, and in all other respects the provisions of an ordinance entitled "An ordinance prescribing the manner in which claims against the city of Louisville shall be made," approved January 23, 1894, shall apply and be followed.

§ 4. That this ordinance shall take effect from its passage.
Approved May 12, 1902.

WHISTLES—RAILROAD.

AN ORDINANCE relating to the blowing of railway or railroad whistles in the city of Louisville.

Be it ordained by the General Council of the city of Louisville:

§ 1. That it shall be unlawful for any person or corporation to blow or permit to be blown any steam or other railway or railroad whistle within one-half mile of any hospital for the sick, or any other place used for the care or cure of the sick or infirm in the city of Louisville.

§ 2. Any person, firm, or corporation violating any of the provisions of this ordinance shall be fined not less than five (\$5) dollars and not more than twenty-five (\$25) dollars for each offense.

§ 3. This ordinance shall take effect from and after its passage and publication.

Approved September 4, 1894.

WHISTLES—STEAMBOAT.

AN ORDINANCE prohibiting the unnecessary blowing of steamers' whistles while lying at the city wharf.

Be it ordained by the General Council of the city of Louisville:

§ 1. That it shall be unlawful for any person or persons operating, or causing to be operated, any excursion or other steamer, to blow, or cause the whistle of such steamer to be blown unnecessarily while lying at either of the city wharves. A violation of the foregoing ordinance shall be punishable by a fine of not less than five dollars nor more than twenty-five dollars for each violation of the same.

§ 2. This ordinance to take effect from and after its passage.
Approved April 17, 1896.

WITNESSES.**Requiring Attendance Before Committees.**

AN ORDINANCE requiring witnesses to appear before committees of the General Council, of either board thereof, and to compel the production of evidence called for by such committees.

Be it ordained by the General Council of the city of Louisville:

§ 1. That whenever the General Council, or either board thereof, shall appoint a committee to investigate and report on any matter pertaining to any measure offered or pending before the General Council, or either board thereof, or to investigate and report on the conduct or management of any office or department of the city of Louisville, or the official conduct or action of any officer or employe of the city of Louisville, or any of its institutions, departments or executive boards, it shall be lawful for such committee, if deemed necessary by a majority of its members, to employ a notary public, who shall issue subpoenas for all witnesses whose names shall be furnished him by the chairman of any such committee, to administer the oath to such witnesses and take down and transcribe their testimony for the use of any such committee; and also to issue subpoenas *duces tecum* for needed papers and documents of a public nature to the per-

sons or officials having the same in charge. Said subpoenas may be served by the sheriff or any constable of the county or any deputy thereof. If any witness shall fail to attend before any such committee in obedience to such subpoena, or willfully avoid the service of such subpoena; or, being in attendance at any sitting or session of any such committee, shall depart without leave of any such committee, or refuse to be sworn, or refuse to answer any proper or lawful question propounded to him, or shall fail or refuse to produce any paper or document needed in evidence of which he shall have custody or possession, and for which a subpoena *duces tecum* shall have been issued and served, such witness shall be deemed guilty of contempt, and shall be subject to a fine of not less than five dollars nor more than twenty dollars for each offense, which may be recovered by ordinance warrant for every such offense before the Police Court of the city of Louisville. If any such recusant or disobedient witness be an officer or employe of the city of Louisville or any of its departments, institutions or executive boards, drawing a salary or wages from the city treasurer, and shall offend as herein specified, then his salary, wages or compensation shall cease, and no future claim therefor shall be certified, registered, allowed or paid out of the city treasury so long as such failure or refusal on the part of such officer or employe shall continue.

§ 2. That the expense occasioned by the employment of a notary public by any such committee, and the attendance of witnesses subpoenaed to give testimony or produce papers or documents needed in evidence, unless the custodian or the person having the possession thereof is an officer or employe of the city, or one of its departments, institutions or executive boards, shall be against the general purposes fund of the city, and when the claim or claims therefor shall be certified by the chairman of any such committee, it shall be the duty of the City Comptroller to register such claim or claims for allowance by the General Council as other claims are now required to be by law, payable out of the fund aforesaid.

§ 3. That this ordinance shall take effect from its passage.
Approved May 19, 1900.

WORKHOUSE.**Fixing the Wages of Those Who Satisfy Fines by Compulsory
Work Therein.**

AN ORDINANCE fixing the wages of those who shall satisfy by compulsory work the fines assessed against them in the Police Court of the city of Louisville.

Be it ordained by the General Council of the city of Louisville:

§ 1. That any person who shall be arrested under a *capias pro* fine for a violation of any ordinance of the city, and be committed to the city workhouse for non-payment of such fine, shall be allowed as wages one dollar for each day such person shall do compulsory work for the city, in or out of said workhouse, until such fine at the rate aforesaid is satisfied.

§ 2. That this ordinance shall take effect from and after its passage.

Approved August 15, 1898.

**LIST OF POSITIONS UNDER THE VARIOUS CITY DE-
PARTMENTS, AUTHORITY THEREFOR WITH
COMPENSATION.**

ASSESSOR'S DEPARTMENT.

Ordinance November 15, 1901. (See Salaries.)

	Per Month.	Per Annum.
1 Assessor	\$291 66	\$3,500 00

Ordinance June 15, 1907.

1 Chief Deputy	137 50	1,650 00
10 Deputies, each	112 50	1,350 00
10 Assistants (between September 1 and December 1 each year) each..	75 00	900 00
1 Draftsman	112 50	1,350 00
1 Assistant Draftsman	83 33	1,000 00
1 Transfer Clerk	83 33	1,000 00

AUDITOR'S DEPARTMENT.

Ordinance November 15, 1901. (See Salaries.)

	Per Month.	Per Annum.
1 Auditor	\$229.16	\$2,750 00

Ordinance May 25, 1908.

1 Clerk for Auditor	100 00	1,200 00
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BOARD OF EQUALIZATION.

Ordinance September 16, 1895.

3 Members	\$5.00 per day
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BOARD OF PUBLIC SAFETY.

Ordinance May 12, 1909.

	Per Month.	Per Annum.
3 Members of Board, each	\$208 33	\$2,500 00
1 Secretary	137 50	1,650 00
1 Stenographer	100 00	1,200 00

BOARD OF PUBLIC WORKS.

Ordinance November 15, 1901. (See Salaries.)

	Per Month.	Per Annum.
3 Members Board of Public Works	\$208 33	\$2,500 00

Office Department.

Ordinance March 8, 1909. (See Board of Public Works.)

1 Secretary	125 00	1,500 00
1 Clerk and Stenographer, not over ..	100 00	1,200 00
1 Bookkeeper and apportionment Clerk	83 34	1,000 00
1 Timekeeper	75 00	900 00

CITY HOSPITAL.

Ordinance May 12, 1909. (See Board of Public Safety.)

	Per Month.	Per Annum.
1 Superintendent	\$125 00	\$1,500 00
1 Secretary	75 00	900 00
1 Druggist	75 00	900 00
1 Matron	35 00	420 00
1 Engineer	75 00	900 00
2 Firemen, each	40 00	480 00
1 Steward	60 00	720 00
2 Ambulance Drivers, each	50 00	600 00
1 First Cook	50 00	600 00
1 Second Cook	30 00	360 00
1 Third Cook	15 00	180 00
1 Doctor's Cook	15 00	180 00
1 Doctor's Waiter	20 00	240 00
1 Nurses' Waitress	15 00	180 00

1 Nurses' Waiter	15 00	180 00
1 Orderly for Elevator	20 00	240 00
1 Orderly for Day Telephone	25 00	300 00
1 Orderly for Night Telephone	25 00	300 00
1 Orderly for Public Offices	25 00	300 00
1 Orderly for Night ward	25 00	300 00
1 Seamstress	25 00	300 00
1 Doctor's Chambermaid	15 00	180 00
1 Nurses' Chambermaid	15 00	180 00
1 Scrubber	15 00	180 00
4 Scrubbers, each	12 00	144 00
1 Laundryman	50 00	600 00
1 Head Laundress	25 00	300 00
3 Laundresses, each	15 00	180 00
1 Laundress for two days each week . .	7 00	84 00
1 Nurse for Male Ward	40 00	480 00
1 Nurse for Male Colored Ward	30 00	360 00
1 Nurse for Male Colored Night Ward . .	30 00	360 00
1 Hostler	15 00	180 00
1 Painter and Plasterer	35 00	420 00
1 Orderly for Male Surgical Ward . .	30 00	360 00
1 Orderly for Male Medical Ward . .	30 00	360 00
1 Orderly for Day Detention Ward . .	30 00	360 00
1 Orderly for Night Detention Ward . .	30 00	360 00
1 Wall Cleaner	15 00	180 00
1 Bath Porter	15 00	180 00
1 Porter for Kitchen	15 00	180 00
1 Porter for Druggist	15 00	180 00
1 Orderly for Colored Ward	15 00	180 00
1 General Utility Man	15 00	180 00
1 Superintendent of Nurses	83 33	1,000 00
1 Assistant Superintendent of Nurses . .	75 00	900 00
1 Surgical Nurse	60 00	720 00
1 Medical Nurse	60 00	720 00
3 Ward Maids, each	15 00	180 00
25 Nurses, each	5 00	60 00
1 Patient Waitress	15 00	180 00

Tubercular Annex.

1 Window Washer	15 00	180 00
1 Orderly	30 00	360 00
1 Night Male Nurse	35 00	420 00
1 Scrubber	15 00	180 00
3 Additional Pupil Nurses, each	5 00	60 00
1 Scullery Maid	15 00	180 00

1 Ward Maid, Male Surgical Ward ..	15 00	180 00
93 employes.		

CITY BUYER'S DEPARTMENT.

Ordinance December 13, 1907.

	Per Month.	Per Annum.
1 City Buyer	\$208 33	\$2,500 00
1 Assistant City Buyer	166 66	2,000 00
1 Stenographer	75 00	900 00
1 Messenger	50 00	600 00

CITY GAUGER.

Ordinance November 7, 1904. Fees.

CISTERNS.

See Engineer's Department.

CEMETERIES.

Ordinance May 12, 1909. (See Board of Safety.)

	Per Month.	Per Annum.
1 Superintendent, Portland or City Cemetery	\$ 30 00	360 00
1 Superintendent, Western Cemetery..	50 00	600 00

CITY HALL EXPENSES—BOARD OF PUBLIC WORKS.

Resolution March 8, 1909.

Engineer's Department.

	Per Month.	Per Annum.
1 City Hall Engineer	\$ 91 67	1,100 00
1 Night Engineer	83 34	1,000 00
1 Night Fireman	60 00	720 00
1 Day Fireman	60 00	720 00
1 Porter	\$1.75 per day	

Janitor's Department.

1 Chief Janitor	60 00	720 00
7 Assistant Janitors, each	45 00	540 00
1 Elevator Man	50 00	600 00

CITY POUNDS.

Ordinance May 12, 1909. (See Board of Safety.

	Per Month.	Per Annum.
1 Pound Keeper, Eastern District \$	50 00	600 00
1 Pound Keeper, Western District	50 00	600 00

COMPTROLLER'S DEPARTMENT.

Ordinance November 15, 1901. (See Salaries.)

	Per Month.	Per Annum.
1 Comptroller	\$291 66	3,500 00

Ordinance April 17, 1905.

1 Clerk	166 66	2,000 00
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Ordinance April 29, 1907.

1 Additional Clerk	83 33	1,000 00
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ERUPTIVE HOSPITAL DEPARTMENT.

Ordinance May 12, 1909. (See Board of Safety.)

	Per Month.	Per Annum.
1 Superintendent	\$100 00	\$1,200 00
1 Wagon Driver	30 00	360 00
2 Regular Nurses when required, each	30 00	360 00
1 Cook	25 00	300 00
1 Laundress	20 00	240 00

Additional Nurses may be appointed by the Board of Public Safety in case of epidemic at \$30.00 per month each.

ENGINEER'S DEPARTMENT.

Ordinance March 8, 1909. (See Board of Works.)

	Per Month.	Per Annum.
1 Chief Engineer	\$250 00	\$3,000 00
1 First Assistant Engineer	125 00	1,500 00
1 Expert Assistant Engineer, not over	125 00	1,500 00
1 Assistant Engineer, not over	125 00	1,500 00
4 Assistant Engineers, each	100 00	1,200 00
1 Assistant Engineer	83 34	1,000 00
1 Chief Clerk to Chief Engineer	100 00	1,200 00
1 Clerk	60 00	720 00
1 Stenographer for Chief Engineer, not over	75 00	900 00
1 Draftsman	125 00	1,500 00
2 Draftsmen, each	100 00	1,200 00
4 Draftsmen, each	75 00	900 00
1 Calculator	75 00	900 00
1 Assistant Calculator	50 00	600 00
4 Levelers, each	60 00	720 00
3 Transitmen, each	50 00	600 00
9 Rodmen, each	40 00	480 00
1 Superintendent Construction and Repair, not over	125 00	1,500 00
4 Assistant Superintendents, Construction and Repair, each	100 00	1,200 00
1 Superintendent Sewer Construction and Repair	125 00	1,500 00
1 Assistant Superintendent Sewer Construction and Repair	100 00	1,200 00
1 Blacksmith, for services actually rendered		\$3 00 per day
1 Blacksmith Helper, services actually rendered		2 25 per day
1 Inspector Private Drains, services actually rendered		3 50 per day
1 Clerk of Sewers and Sidewalks	83 34	1,000 00
1 Assistant Clerk Sewers and Sidewalks	75 00	900 00
1 Inspector Sidewalks	100 00	1,200 00
1 Inspector Gas and Water Repairs	75 00	900 00
1 Inspector Cement, services actually rendered		3 00 per day

1 Assistant Inspector Cement, services actually rendered		2 50 per day
1 Superintendent Pumps	100 00	1,200 00
1 Assistant Superintendent Pumps	75 00	900 00

In the Pumps and Wells Shop. (See Board of Works.)

1 Carpenter, services actually rendered		2 50 per day
1 Blacksmith, services actually rendered		2 50 " "
2 Skilled Laborers, services actually rendered, each		2 50 " "
Not exceeding 4 Laborers, services actually rendered, each		1 75 " "
Foremen, services actually rendered, each		3 00 " "
Stonecutters and Granite Pavers (9 hours), not exceeding, each		4 50 " "
Bowlder Pavers (9 hours), not exceeding, each		3 00 " "
Rammermen (9 hours), not exceeding, each		3 00 " "
Brick Pavers (9 hours), not exceeding, each		3 00 " "
Teams, including Drivers, services actually rendered, not over, each		4 00 " "

FIRE DEPARTMENT.

Ordinance May 12, 1909. (See Board of Safety.)

	Per Day.	Per Month.	Per Annum.
1 Chief of Fire Department	\$250 00		\$3,000 00
4 Assistants to the Chief, each	133 33		1,600 00
1 Secretary to the Chief	137 50		1,650 00
1 Aid to the Chief	\$2 75		
1 Chief Operator of Fire Alarm	125 00		1,500 00
1 Master Mechanic	125 00		1,500 00
2 Water Tower Men, each	2 50		912 50
3 Fire Alarm Telegraph Operators, each	2 75		1,003 75

3 Telephone Operators, each	2 75		1,003 75
4 Line Repairers, each	2 75		1,003 75
1 Battery Man	2 75		1,003 75
1 Foreman of Repair and Machine Shop	3 00		1,095 00
2 Machinists (except Sun- days), each	2 75		860 75
1 Blacksmith (except Sun- days)	3 00		939 00
1 Blacksmith Helper (ex- cept Sundays)	2 00		626 00
1 Harness Maker (except Sundays)	2 75		860 75
2 Hydrant Men (except Sundays), each	4 00		1,252 00
2 Painters (except Sun- days), each	3 00		939 00
1 Captain to each Fire Company (21 Com- panies, each		100 00	1,200 00
1 Captain to each Hook and Ladder Com- pany (6 Companies), each		100 00	1,200 00
1 Captain to each Water Tower Company (1 Company),		100 00	1,200 00
54 Pipemen—5 to No. 2; 4 each to Nos. 1, 4 and 8; 3 each to Nos. 5, 7 and 9; 2 each to Nos. 3, 6, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20 and 21, each..	2 75	.....	1,003 75
1 Engineer to each Com- pany (21 Compa- nies), each		97 50	1,170 00
1 Stoker to each Company (21 Companies), each	2 50	*	912 50
1 Engine Driver to each Company (21 Com- panies), each	2 50	.....	912 50
1 Reel Driver to each Company (21 Com- panies), each	2 50	.....	912 50

1 Truck Driver to each Hook and Ladder Company (5 Compa- nies), each	2 50	.....	912 50
1 Fuel Driver to each Hook and Ladder Company (5 Compa- nies), each	2 50	.....	912 50
1 Truck Driver for Hook and Ladder No. 5..	2 50	.....	912 50
1 Driver for Water Tower company	2 50	.....	912 50
1 Driver to Supply Wagon	2 50	.....	912 50
37 Laddermen (7 each on Nos. 1, 2, 3, 4 and 6), each	2 75	.....	1,003 75
Total .....278 Employees.			

Such additional help as may be necessary in the repair shop, not exceeding 15 men at any one time, to be approved by the Board of Public Safety, and whose salaries shall be fixed by the Board of Public Safety, and whose names shall appear on the regular pay-roll of the repair shop as special men, but who may be dismissed at any time by the Board of Public Safety, and shall not be considered as regular or uniformed men.

GAS ARBITRATORS.

Ordinance May 2, 1899.

For Arbitrators elected in years 1903, 1908, 1913, as follows:

	Per Month.	Per Annum.
1 Arbitrator, selected by City		\$ 500 00
Third Arbitrator, selected by the two....		250 00

Expenses, if any, not to exceed \$250.

GAS INSPECTOR.

Ordinance April 7, 1908.

	Per Month.	Per Annum.
Inspector	\$150 00	\$1,800 00

HOME FOR THE AGED AND INFIRM.

Ordinance May 12, 1909. (See Board of Safety.)

	Per Month.	Per Annum.
1 Superintendent	\$100 00	\$1,200 00
1 Engineer	60 00	720 00
1 Druggist and Clerk	50 00	600 00
1 Male Nurse	40 00	480 00
1 Female Nurse	30 00	360 00
1 Farm Boss	45 00	540 00
1 Watchman	30 00	360 00
1 Baker	25 00	300 00
1 Maid	15 00	180 00
1 Seamstress	25 00	300 00
1 Matron	30 00	360 00
1 Hostler	20 00	240 00
1 Dairyman	30 00	360 00
1 Cook (officer's kitchen)	40 00	480 00
2 Farmhands, each	20 00	240 00
1 Cook	20 00	240 00
1 Laundress	20 00	240 00
1 Porter	20 00	240 00
1 Dairymaid	10 00	120 00
1 Electrical or Night Engineer	60 00	720 00

HEALTH DEPARTMENT.

Ordinance May 12, 1909. (See Board of Safety.)

	Per Month.	Per Annum.
1 Health Officer	\$250 00	\$3,000 00
1 Assistant Health Officer, Milk and Food	150 00	1,800 00
1 Secretary and Inspector, Contagious Diseases	133 33	1,600 00
1 Veterinary Surgeon	150 00	1,800 00
1 Chemist and Dairy Expert	133 33	1,600 00
1 Registrar and Inspector	75 00	900 00
1 Bacteriologist and Chemist	133 33	1,600 00
1 Assistant Bacteriologist and Chemist	75 00	900 00
10 Sanitary Inspectors, each	75 00	900 00

1 Physician for Eastern District	100 00	1,200 00
1 Physician for Western District	100 00	1,200 00
1 Physician, colored	83 33	1,000 00
20 Employes.		

INSPECTION OF BUILDINGS DEPARTMENT.

Ordinance May 12, 1909. (See Board of Safety.)

	Per Month.	Per Annum.
1 Inspector of Buildings	\$150 00	\$1,800 00
1 Assistant Inspector of Buildings, not over	125 00	1,500 00
1 Smoke Inspector	125 00	1,500 00
1 Assistant Inspector, Elevator	125 00	1,500 00
1 Assistant Inspector, Plumbing	125 00	1,500 00
1 Assistant Inspector, Electrical	125 00	1,500 00
2 Assistant Inspectors of Buildings, each	100 00	1,200 00
1 Permit Clerk	75 00	900 00
1 Clerk and Stenographer	60 00	720 00

LAW DEPARTMENT.

Ordinance August 11, 1908.

	Per Month.	Per Annum.
1 Claim Agent	\$125 00	\$1,500 00

Ordinance May 12, 1909. (See Board of Safety.)

1 Member from Police Force	108 33	1,300 00
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Ordinance December 19, 1904.

1 City Attorney, appointed under Sec- tions 2909 and 2910 of City Char- ter	416 66	5,000 00
1 Assistant City Attorney	250 00	3,000 00
1 Second Assistant City Attorney	208 33	2,500 00

Ordinance March 14, 1905.

1 Law Clerk	200 00	2,400 00
1 Additional Abstractor of Title	125 00	1,500 00
1 Additional Stenographer	75 00	900 00

Ordinance April 29, 1907.

1 Bookkeeper	125 00	1,500 00
1 Abstractor of Title	125 00	1,500 00
1 Messenger	30 00	360 00

Ordinance January 13, 1902.

1 Law Clerk to Mayor	125 00	1,500 00
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Ordinance February 28, 1898.

1 Stenographer	85 00	1,020 00
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Ordinance November 15, 1901. (See Salaries.)

1 Assistant City Attorney's Steno- grapher	75 00	900 00
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LIVE STOCK INSPECTOR.

Ordinance Effective November 8, 1900. (See Food.)

Inspector appointed under Section 2948 of City Charter.

	Per Month.	Per Annum.
1 Inspector	\$100 00	\$1,200 00
1 Assistant Inspector	75 00	900 00

LABORERS.

Employed by the Board of Public Works.

Ordinance March 8, 1909.

Laborers, services actually rendered,
not over \$1 75 per day each

LEGISLATIVE DEPARTMENT.

Ordinance April 2, 1899.

	Per Month.	Per Annum.
1 Clerk to Board of Aldermen	\$166 66	\$2,000 00
1 Clerk to Board of Councilmen	166 66	2,000 00

Ordinance November 15, 1901. (See Salaries.)

2 Pages to Board of Aldermen, per session General Council, each	\$ 1 50
2 Pages to Board of Councilmen, per session General Council, each	\$ 1 50
1 Sergeant-at-Arms, Board of Aldermen, per session General Council	1 50
1 Sergeant-at-Arms, Board of Councilmen, per session General Council	1 50

MAYOR'S DEPARTMENT.

Ordinance November 15, 1901. (See Salaries.)

	Per Month.	Per Annum.
1 Mayor	\$416 66	\$5,000 00
1 Secretary	166 66	2,000 00

Ordinance February 6, 1902.

1 Assistant Secretary	85 00	1,020.00
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PUBLIC BATHS DEPARTMENT.

Ordinance March 8, 1909. (See Board of Works.)

	Per Month.	Per Annum.
1 Superintendent	\$ 65 00	780 00
1 Assistant Superintendent	30 00	360 00

PUMPS AND WELLS.

See Engineer's Department.

PRIVATE DRAINS.

Ordinance November 9, 1895.

Estimated cost of Private Drains to be deposited with City Treasurer, and rebates, if any, rebated by the pay-roll made by Engineer's Department.

PRIVATE DRAINS.

See Engineer's Department.

POLICE DEPARTMENT.

Ordinance May 12, 1909.

See Board of Safety.

	Per Month.	Per Annum.
1 Chief of Police	\$250 00	\$3,000 00
1 Assist Chief of Police	150 00	1,800 00
1 Secretary of Police	137 50	1,650 00
1 Chief of Detectives	150 00	1,800 00
1 Secretary of Detectives and Stenographer	100 00	1,200 00
7 Captains of Police, each	116 66	1,400 00
14 Lieutenants of Police, each	91 66	1,100 00
22 Sergeants of Police, each	83 33	1,000 00
369 Patrolmen, each, \$2.50 per day.		
1 Patrolman assigned to the Law Department	108 33	1,300 00

POLICE COURT.

Ordinance November 15, 1901.

See Salaries.

	Per Month.	Per Annum.
1 Judge	\$291 66	\$3,500 00

Act March 18, 1902.

1 Attorney	\$291 66	\$3,500 00
1 Clerk	291 66	3,500 00
2 Deputy Clerks, each	100 00	1,200 00
1 Bailiff	291 66	3,500 00
2 Deputy Bailiffs	100 00	1,200 00

Act March 26, 1904.

1 Stenographer	\$100 00	\$1,200 00
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Charter.

1 Interpreter	\$ 75 00	\$ 900 00
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Act March 22, 1904.

1 Door Keeper \$ 50 00 \$ 600 00

Judges allowed vacation of two (2) months each year, salary of Judge pro tem. not to be deducted from regular Judge.

Attorney allowed vacation of sixty (60) days each year, salary of Attorney pro tem. not to be deducted from regular Attorney.

Stenographer allowed vacation of sixty (60) days each year, salary of Stenographer pro tem. not to be deducted from regular Stenographer.

Pro tem. Attorneys appointed by Judge, salary to be deducted from salary of regular Attorney except account of illness or vacation.

RECONSTRUCTION OF STREETS.

See Engineer's Department.

REPAIRING STREETS.

See Engineer's Department.

RECEIVER OF TAXES.

Ordinance November 15, 1901. (See Salaries.)

	Per Month.	Per Annum.
1 Tax Receiver	\$291 66	\$3,500 00

Ordinance December 10, 1908.

1 Cashier	\$150 00	\$1,800 00
1 Bookkeeper	100 00	1,200 00
1 General Clerk	83 33	1,000 00
3 Deputy Clerks, each	75 00	900 00
For January, February and March of each year:		
6 Deputy Clerks, each	75 00	900 00

STREET CLEANING DEPARTMENT.

Ordinance March 8, 1909.

See Board of Works.

	Per Month.	Per Annum.
1 Superintendent	\$125 00	\$1,500 00
1 Clerk	91 67	1,100 00
6 Foremen, each	75 00	900 00
3 Assistant Foremen, each	65 00	780 00
1 Stable Man	75 00	900 00
Extra Foremen, each	52 00	624 00

	Per Day.
8 Dump Men, service actually rendered, each	\$ 1 75
4 Catch-basin Men, services actually ren- dered, each	2 00
All Laborers, services actually rendered, each day 9 hours, not over, each.. ..	1 75
Teams, including Driver, services actually rendered, each day 9 hours, each	4 00

SEWER CLEANING.

See Engineer's Department.

SEWER CONSTRUCTION.

See Engineer's Department.

SEWER REPAIRS.

See Engineer's Department.

SUPERVISOR'S DEPARTMENT.

Ordinance March 8, 1909.

See Board of Works.

	Per Day.
Not more than thirty-three (33) Supervisors, services actually rendered	\$ 3 00
Under Board of Public Works.	

SEWERS AND BRIDGES.

See Engineer's Department.

SEWER CONSTRUCTION BOND FUND.

Authorized by a Resolution of the General Council. Approved

December 8, 1906.

See Engineer's Department.

TREASURER'S DEPARTMENT.

Ordinance November 15, 1901.

See Salaries.

	Per Month.	Per Annum.
1 Treasurer	\$291 66	\$3,500 00

Ordinance September 30, 1895.

1 Clerk	\$125 00	\$1,500 00
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TEAMS.

Employed by the Board of Public Works.

Ordinance March 8, 1909.

Teams, services actually rendered, each, not over...\$4 per day

VETERAN FIREMEN'S HOME.

Ordinance July 2, 1900.

To President of the Veteran Firemen's Association a sum each month not to exceed \$75.00, for employees and expenses.

WORKHOUSE.

See Board of Safety.

Ordinance May 12, 1909.

	Per Month.	Per Annum.
1 Superintendent	\$100 00	\$1,200 00

1 Quarry Boss	65 00	780 00
1 Druggist and Clerk	60 00	720 00
1 Day Watchman and Prison Wagon Driver	60 00	720 00
1 House Engineer	60 00	720 00
1 Quarry Engineer	60 00	720 00
1 Night Watchman	60 00	720 00
1 Blacksmith	50 00	600 00
1 Prison Cook	50 00	600 00
7 Guards, each	50 00	600 00
1 Hostler and Gardener	30 00	360 00
1 House Cook	18 00	216 00
1 Night Fireman	50 00	600 00
1 Matron (for female prisoners)	60 00	720 00
20 Employes.		

WEIGHTS AND MEASURES.

Ordinance August 18, 1908.

	Per Month.	Per Annum.
1 Inspector	\$125 00	\$1,500 00
1 Helper to Inspector	60 00	720 00

WHARVES.

Act February 28, 1902.

	Per Month.	Per Annum.
1 Superintendent, not to exceed	\$208 33	\$2,500 00
1 Assistant Superintendent, not to exceed	100 00	1,200 00

Other employes and other expenses subject to the approval
of the Board of Public Works.

PROVISIONS OF THE STATE CONSTITUTION APPLICABLE TO CITIES OF THE FIRST CLASS

§ 52. **Indebtedness to State or municipality not to be released.** The General Assembly shall have no power to release, extinguish, or authorize the releasing or extinguishing, in whole or in part, the indebtedness or liability of any corporation or individual to this Commonwealth, or to any company or municipality thereof.

§ 60. **Special laws—laws to take effect when approved by people.** The General Assembly shall not indirectly enact any special or local act by the repeal in part of a general act, or by exempting from the operation of a general act any city, town, district or county; but laws repealing local or special acts may be enacted. No law shall be enacted granting powers or privileges in any case where the granting of such powers or privileges shall have been provided for by a general law, nor where the courts have jurisdiction to grant the same or to give the relief asked for. No law, except such as relates to the sale, loan or gift of vinous, spirituous or malt liquors, bridges, turnpikes or other public roads, public buildings or improvements, fencing, running at large of stock, matters pertaining to common schools, paupers, and the regulation by counties, cities, towns or other municipalities of their local affairs, shall be enacted to take effect upon the approval of any other authority than the General Assembly, unless otherwise expressly provided in this Constitution.

§ 52. **Construction of section.** See *City v. Lou. Railway Co.*, 23 R., 290; 111 Ky., 1; 63 S. W., 14, holding that the City Council had no power to make a compromise settlement of taxes; and *Com. v. Tilton*, 23 R., 753; 111 Ky., 341; 63 S. W., 602; *Cov. & Cinn. Bridge Co. v. Davison*, 31 R., 425; 102 S. W., 339.

§ 60. **Section 2838, Ky. Stat.,** is not violative of this section. *Richardson v. Mehler*, 23 R., 917; 111 Ky., 408; 63 S. W., 957. See *Murphy v. City*, 24 R., 1574; 114 Ky., 762; 71 S. W., 934.

POLICE COURTS.

§ 143. **Establishment and jurisdiction of.** A Police Court may be established in each city and town in this State, with jurisdiction in cases of violation of municipal ordinances and by-laws occurring within the corporate limits of the city or town in which it is established, and such criminal jurisdiction within the said limits as Justices of the Peace have. The said Courts may be authorized to act as examining Courts, but shall have no civil jurisdiction: Provided, The General Assembly may confer civil jurisdiction on Police Courts in cities and towns of the fourth and fifth classes and in towns of the sixth class having a population of two hundred and fifty or more, which jurisdiction shall be uniform throughout the State, and not exceed that of Justices of the Peace.

MUNICIPALITIES.

§ 156. **Six classes—population determines classification—organization and assignment.** The cities and towns of this Commonwealth, for the purpose of their organization and govern-

§ 143. (1) **The Police Courts have exclusive jurisdiction only of those offenses denounced by ordinance,** and not covered by any statute or the common law, but where the offense punishable by an ordinance is also a statutory or common law offense, the police courts have only concurrent jurisdiction of prosecutions for its violation. *Com. v. Hunter*, 19 R., 1109; 41 S. W., 284; *Com. v. Wickersham*, 99 Ky., 21; 17 R., 1317; 34 S. W., 707; *Moron v. Com.*, 116 Ky., 859; 25 R., 1042; 76 S. W., 1090.

(2) **A city ordinance may fix a greater, but can not fix a less, penalty for an offense denounced by statute than that imposed by the statute** (*Con.*, sec. 168), but may fix a less penalty for a common law offense than that prescribed by the common law. *City v. Simms*, 99 Ky., 49; 17 R., 1393; 34 S. W., 1085; and see *City v. Sparks*, 99 Ky., 351, 18 R., 269; 36 S. W., 4; *Taylor v.*

Com., 98 Ky., 271; 17 R., 856; 32 S. W., 948.

(3) **Legislature has no power to confer jurisdiction upon police courts of offenses arising outside of the corporate limits.** 118 Ky., 882; 26 R., 863; 82 S. W., 606; *Earl v. Latonia*, 32 R., 586; 106 S. W., 312.

(4) **The criminal jurisdiction of police courts is limited to the jurisdiction possessed by justices.** *Stone v. City of Paducah*, 120 Ky., 322; 27 R., 716; 86 S. W., 549.

§ 156. (1) **Classification of cities.** When a city has been assigned by the Legislature to a particular class it must remain in that class until changed by the Legislature. The courts have no power to transfer cities from one class to another. *Green v. Com.*, 95 Ken., 233; 16 R., 161; 24 S. W., 610; and sections 3661-3662 of the Ky Stat., conferring this power on the courts, are unconstitutional. *Jernigan v. City*, 19 R., 1412; 102 Ky.,

ment, shall be divided into six classes. The organization and powers of each class shall be defined and provided for by general laws, so that all municipal corporations of the same class shall possess the same powers and be subject to the same restrictions. To the first class shall belong cities with a population of one hundred thousand or more; to the second class, cities with a population of twenty thousand or more, and less than one hundred thousand; to the third class, cities with a population of eight thousand or more, and less than twenty thousand; to the fourth class, cities and towns with a population of three thousand or more, and less than eight thousand; to the fifth class, cities and towns with a population of one thousand or more, and less than three thousand; to the sixth class, towns with a population of less than one thousand. The General Assembly shall assign the cities and towns of the Commonwealth to the classes to which they respectively belong, and change assignments made as the population of said cities and towns may increase or decrease, and in the absence of other satisfactory information as to their population, shall be governed by the last preceding Federal census in so doing; but no city or town shall be transferred from one class to another, except in pursuance of a law previously enacted and providing therefor. The General Assembly, by a general law, shall provide how towns may be organized, and enact laws for the government of such towns until the same are assigned to one or the other of the classes above named; but such assignment shall be made at the first session of the General Assembly after the organization of said town or city.

313; 43 S. W., 448; and see *Gilbert v. City of Paducah*, 115 Ky., 160; 24 R., 1998; 72 S. W., 816.

(2) **Where a town has been established** by the Circuit Court the failure of the Legislature to assign it to a class does not affect its organization. *Com. v. Rose*, 105 Ky., 326; 20 R., 1220; 49 S. W., 29.

(3) **Improvement of streets** at cost of abutting owners and the

expense incurred made a lien on the property. *Richardson v. Mehler*, 23 R., 917; 111 Ky., 408; 63 S. W., 957.

(4) **Population of city or town** may be ascertained by a census taken under an ordinance enacted by the city or town. *O'Bryan v. City*, 24 R., 469; 113 Ky., 680; 72 S. W., 816; *Jernigan v. City*, 102 Ky., 313; 19 R., 1412; 43 S. W., 448.

§ 157. **Tax rate—indebtedness—submission of question to voters.** The tax rate of cities, towns, counties, taxing districts and other municipalities, for other than school purposes, shall not, at any time, exceed the following rates upon the value of

§ 157. (1) **Appropriation of funds by Fiscal Court** to build a Court House, although in excess of the income for that year, was not in violation of this section, as after deducting the cash on hand the levy for the year would pay the balance. *Field v. Stroube*, 19 R., 1751; 103 Ky., 114; 44 S. W., 363.

(2) **Construction and effect of the section.** Without the assent of the voters a city can not become indebted for school or any other purposes, in an amount exceeding the income for that year. *City Council v. Powell*, 16 R., 174; 27 S. W., 1.

(3) **Election under this section** must be held on the day of a regular election, and the assent of two-thirds of those voting upon the question submitted is sufficient. See *Montgomery Co. Fiscal Court v. Trimble*, 20 R., 827; 104 Ky., 629; 47 S. W., 773; *Board of Education v. City of Winchester*, 120 Ky., 591; 27 R., 994; 87 S. W., 768, overruling; *Belknap v. City*, 99 Ky., 474; 18 R., 313; 36 S. W., 1118; *City v. Baker*, 18 R., 324; 37 S. W., 1129; *McGoodwin v. City*, 18 R., 752; 38 S. W., 481; *City of Ashland v. Culbertson*, 19 R., 1812; 103 Ky., 161; 44 S. W., 441.

(4) **This section is self-operative** and did not require legislation to give it effect. *O'Mahoney v. Bullock*, 97 Ky., 774; 17 R., 523; 31 S. W., 878.

(5) **Where cities had been authorized by legislation** enacted prior to the Constitution to contract indebtedness, they had the power to make such contracts after the adoption of the Constitution, although the indebtedness exceeded the limits of this section and section 158.

City of Lexington on appeal, 96 Ky., 258; 16 R., 467; 28 S. W., 665; *Holzhauser v. City*, 94 Ky., 396; 15 R., 188; 22 S. W., 752.

(6) **A debt created, without the assent of the voters**, by a city, and payable annually through a period of years, was in violation of this section if the total amount of it was more than the income for the year in which it was contracted, although the amount maturing each year could be paid by the income of that year. *City v. McKenna*, 99 Ky., 508; 18 R., 288; 36 S. W., 518; *Beard v. City*, 95 Ky., 239; 15 R., 756; 24 S. W., 872; *Knipper v. City*, 22 R., 676; 109 Ky., 187; 58 S. W., 498; *Ramsey v. City of Shelbyville*, 119 Ky., 180; 26 R., 1102; 83 S. W., 116.

(7) **The limitation in this section** does not apply to necessary current expenses. *Hopkins Co. v. Coal Co.*, 24 R., 942; 114 Ky., 153; 70 S. W., 289; and see *Cov. & Cinn. Bridge Co. v. Davidson*, 31 Ky., 425; 102 S. W., 339.

(8) **Election officers** to hold an election under this section—appointment of. *Fidelity Trust Co. v. Mayor*, 96 Ky., 563; 16 R., 647; 29 S. W., 442.

(9) **Courts will not interfere with levy of taxes** within limitation of Constitution when properly made. *Mayfield W. Mills v. City*, 22 R., 1676; 111 Ky., 172; 61 S. W., 43; *McMerney v. Hulefield*, 116 Ky., 28; 25 R., 272; 75 S. W., 237.

(10) **Full amount that can be raised by a levy** is the test by which to determine whether or not the indebtedness exceeds the limit. *The City of Providence v. The Providence Electric Light Co.*, 28 R., 1015; 91 S. W., 664.

(11) **"Indebtedness,"** meaning

the taxable property therein, viz: For all towns or cities having a population of fifteen thousand or more, one dollar and fifty cents on the hundred dollars; for all towns or cities having less than fifteen thousand and not less than ten thousand, one dollar on the hundred dollars; for all towns or cities having less than ten thousand, seventy-five cents on the hundred

of word as used in this section—how amount of estimated. *O'Bryan v. City*, 24 R., 469; 113 Ky., 680; 68 S. W., 858; and see *Whaley v. Com.*, 23 R., 1292; 110 Ky., 154; 61 S. W., 35.

(12) **Indebtedness for any year can not exceed revenue for that year.** *Overall v. City of Madisonville*, 31 R., 278; 102 S. W., 278; *Harper v. City of Catlettsburg*, 31 R., 293; 102 S. W., 294; *Town of Bardwell v. Harlin*, 118 Ky., 232; 26 R., 101; 80 S. W., 773; and see note (6).

(13) **Indebtedness incurred prior to adoption of this Constitution**—limitation in this section and sec. 158 as to amount of indebtedness not applicable to. *Bank v. Taylor Co.*, 23 R., 1483; 112 Ky., 243; 65 S. W., 451. As to funding debt incurred prior to this Constitution, see *Smith v. County*, 104 Ky., 596; 20 R., 812; 47 S. W., 596; *Gaulbert v. City*, 30 R., 50; 97 S. W., 342; *Richmond Cem. Co. v. Sullivan*, 104 Ky., 723; 20 R., 1028; 47 S. W., 1079; *Mayfield W. Mills v. City*, 22 R., 1676; 111 Ky., 172; 61 S. W., 43.

(14) **Pleading in action to enjoin collection of tax** because in excess of limitations in this section—sufficiency of. *M. & L. T. P. v. Wiggins*, 104 Ky., 540; 20 R., 724; 47 S. W., 434; *Sparks v. Robinson*, 115 Ky., 453; 24 R., 2336; 74 S. W., 176.

(15) **School Tax.** Trustees have no power to levy a tax for school purposes exceeding in one year the income provided for such year without the assent of two-thirds of the voters. *Com.*

v. L. & N. R. R., 105 Ky., 206; 20 R., 1127; 48 S. W., 1092. *Brown v. Board of Education*, 22 R., 483; 108 Ky., 783; 57 S. W., 612; *Arbuckle v. McKinney*, 30 R., 55; 97 S. W., 1130; *Board of Trustees v. Postell*, 28 R., 37; 88 S. W., 1065; *Howard v. Board of Trustees*, 31 R., 399; 102 S. W., 318.

(16) **Sections 157 and 158 must be construed together**, and although sec. 158 permits in certain emergencies an increase in the debt over the amount specified in the section, in no event can a debt be incurred in excess of the income for the year unless the question is submitted to the voters. *Knipper v. City*, 22 R., 676; 109 Ky., 187; 58 S. W., 498.

(17) **Street improvements**—local assessments for are not limited by the provisions of this section. *Gosnell v. City*, 104 Ky., 201; 20 R., 519; 46 S. W., 722; *City of Catlettsburg v. Self*, 115 Ky., 669; 25 R., 161; 74 S. W., 1064.

(18) **Tax in excess of amount permitted by this section** is uncollectible as to the excess, but so much of the tax as is within the limitation may be collected. *Whaley v. Com.*, 110 Ky., 154; 23 R., 1292; 61 S. W., 35; and see *Sparks v. Robinson*, 115 Ky., 453; 24 R., 2336; 74 S. W., 176.

(19) **The words "tax" and "taxation"** refer to the usual and customary mode of providing public revenue, and not to local assessments, such as street improvements. *Gosnell v. City*, 104 Ky., 201; 20 R., 519; 46 S. W., 722.

dollars; and for counties and taxing districts, fifty cents on the hundred dollars, unless it should be necessary to enable such city, town, county, or taxing district to pay the interest on, and provide a sinking fund for the extinction of indebtedness contracted before the adoption of this Constitution. No county, city, town, taxing district, or other municipality, shall be authorized or permitted to become indebted, in any manner or for any purpose, to an amount exceeding, in any year, the income and revenue provided for such year, without the assent of two-thirds of the voters thereof, voting at an election to be held for that purpose; and any indebtedness contracted in violation of this section shall be void. Nor shall such contract be enforceable by the person with whom made; nor shall such municipality ever be authorized to assume the same.

§ 158. **Indebtedness—limit of allowed—issual of bonds.** The respective cities, towns, counties, taxing districts and municipalities shall not be authorized or permitted to incur indebtedness to an amount, including existing indebtedness, in the aggregate exceeding the following named maximum percentages on the value of the taxable property therein, to be estimated by the assessment next before the last assessment previous to the incurring of the indebtedness, viz: Cities of the first and second classes, and of the third class having a population exceeding fifteen thousand, ten per centum; cities of the third class hav-

158. (1) **Construction and effect of section.** Contracts made prior to the adoption of the Constitution not affected by this section. *City of Lexington* on appeal, 96 Ky., 258; 16 R., 467; 28 S. W., 665; *Warren v. Newport*, 23 R., 1006; 64 S. W., 853; and see notes to sec 157.

(2) **When bonds are issued by a city** for the purpose of taking up other outstanding bonds, the amount represented by them is not an increase of the city's indebtedness in the meaning of this section. *Farson v. Board of Com.*, 97 Ky., 119; 16 R., 856; 30 S. W., 17; *Bank v. Taylor Co.*, 23 R., 1483; 112 Ky., 243; 65 S. W., 451; *Com'rs v. Zimmerman*, 101 Ky., 432; 19 R., 689; 41 S. W., 428; but an issue of bonds to fund an indebtedness is void as to the pre-

mium received in excess of the amount necessary to fund the debt, and bonds issued to fund the debt should only bear interest from the date that the old debt is canceled. *Com. v. Zimmerman*, 19 R., 689; 101 Ky., 432; 41 S. W., 428; and the interest that must be paid on the bonds issued is not to be estimated as a part of the indebtedness. *City of Ashland v. Culbertson*, 19 R., 1812; 103 Ky., 161; 44 S. W., 441.

(3) **Bonds may be made payable in gold**, although the act authorizing their issual is silent on the subject. *Farson v. Board of Com.*, 97 Ky., 119; 16 R., 856; 30 S. W., 17.

(4) **The total amount of a debt contracted** determines whether it is or not in violation of this section, although certain.

ing a population of less than fifteen thousand, and cities and towns of the fourth class, five per centum; cities and towns of the fifth and sixth classes, three per centum; and counties, taxing districts and other municipalities, two per centum: Provided, Any city, town, county, taxing district or other municipality may contract an indebtedness in excess of such limitations when the same has been authorized under laws in force prior to the adoption of this Constitution, or when necessary for the completion of and payment for a public improvement undertaken and not completed and paid for at the time of the adoption of this Constitution: And provided further, If, at the time of the adoption of this Constitution, the aggregate indebtedness, bonded or floating, of any city, town, county, taxing district or other municipality, including that which it has been or may be authorized to contract as herein provided, shall exceed the limit herein prescribed, then no such city or town shall be authorized or permitted to increase its indebtedness in an amount exceeding two per centum, and no such county, taxing district, or other municipality, in an amount exceeding one per centum, in the aggregate upon the value of the taxable property therein, to be ascertained as herein provided, until the aggregate of its indebtedness shall have been reduced below the limit herein fixed, and thereafter it shall not exceed the limit, unless in case of emergency, the public health or safety should so require. Nothing herein shall prevent the issue of renewal bonds, or bonds to fund the floating indebtedness of any city, town, county, taxing district or other municipality.

§ 159. **Tax levied to pay indebtedness—when debt must be paid.** When any city, town, county, taxing district or other

parts of the debt are payable annually for a series of years, until the entire debt is paid and the amount payable each year can be met by the revenue of that year. *Beard v. City*, 95 Ky., 239; 15 R., 756; 24 S. W., 872; *City v. McKenna*, 99 Ky., 508; 18 R., 288; 38 S. W., 518; and see notes to sec. 157.

(5) **Amount of indebtedness—how estimated.** *O'Bryan v. City*, 24 R., 469; 113 Ky., 680; 68 S. W., 858; and see *Whaley v. Com.*, 23 R., 1292; 110 Ky., 154; 61 S. W., 35.

(6) **This section and section 157 must be construed together** and the provisions of each made

harmonious and effective. *Knipper v. City*, 109 Ky., 187; 22 R., 676; 58 S. W., 498.

(7) **Emergency tax for public health or safety.** *Knipper v. City*, 109 Ky., 187; 22 R., 676; 58 S. W., 498.

§ 159. (1) **Provisions not self-operative.** Legislation is required to make this section operative. *Holtzhauer v. City of Newport*, 94 Ky., 396; 15 R., 188; 22 S. W., 752.

(2) **Sinking fund must be provided** in accordance with this section when a debt is created. *O'Bryan v. City*, 24 R., 469; 113 Ky., 680; 68 S. W., 858.

municipality is authorized to contract an indebtedness, it shall be required, at the same time, to provide for the collection of an annual tax sufficient to pay the interest on said indebtedness, and to create a sinking fund for the payment of the principal thereof, within not more than forty years from the time of contracting the same.

§ 160. **Municipal officers—election and terms of office—officers ineligible—“fiscal officer.”** The Mayor or Chief Executive, Police Judges, members of legislative boards or councils of

§ 160. (1) **Board of Aldermen**, under the authority conferred by sec. 2781, Ky. Stat., had jurisdiction to remove a person holding office as park commissioner. *Gibbs v. Board of Aldermen*, 99 Ky., 490; 18 R., 341; 36 S. W., 524.

(2) **City Councilmen** in cities of the first class hold their office for two years, and sec. 2768 of the Ky. Stat., so declaring, is constitutional. *McDermott v. City*, 98 Ky., 50; 17 R., 617; 32 S. W., 264.

(3) **Election of Councilmen** by wards in cities of the fourth class is permissible under this section. *Brown v. Holland*, 97 Ky., 249; 17 R., 149; 30 S. W., 629; and court will not interfere with action of Council in districting city, *Moore v. City of Georgetown*, 32 R., 323; 105 S. W., 905.

(4) **Mayor in cities of the fourth class** may be elected by the people or appointed by the Council, as may be provided by ordinances enacted under authority of sec. 3484, Ky. Stat. *Brown v. Holland*, 97 Ky., 249; 17 R., 149; 30 S. W., 629.

(5) **Officers of cities—decisions under Old Constitution.** Constitution of 1850, article 4, section 49, was held to relate to police courts in towns and cities in existence at the time of the adoption of the Constitution. And article 6, section 6, was intended to refer to officers of towns and cities whose offices may be created by law after the

adoption of the Constitution. *Trustees of Owensboro v. Webb*, 2 Met., 576; *Speed v. Crawford*, 3 Met., 207. Any officer charged with duties pertaining to a city or town government, as distinguished from a State, county or district officer, was held to be an officer of the city or town within the meaning of section 6, article 6; such as judges of city or town courts. But their election was held not to apply to commissioners for the city of Louisville and Jefferson county, for they are both city and county officers. *Police Commissioners v. City of Louisville*, 3 Bush 597; “An act to create the Newport Fire and Police District,” etc., and authorizing the appointment of three fire and police commissioners by the county judge, was a violation of article 6, section 6. *Ader v. City of Newport*, 9 R., 748; 6 S. W., 577.

(6) **Police judges** in cities of the fourth class may be elected or appointed by the Council, and under section 3511, Ky. Stat., prescribing the qualifications of police judges, a person is eligible to the office, although he is not a qualified elector of the city. *Boyd v. Land*, 97 Ky., 379; 17 R., 273; 30 S. W., 1019.

(7) **Removal of municipal officers.** The provision in this section that the Legislature “shall prescribe the qualifications of all officers in cities and towns, and the manner in and cause for, which they may be removed,” applies to all officers.

towns and cities shall be elected by the qualified voters thereof: Provided, The Mayor or Chief Executive and Police Judges of the towns of the fourth, fifth and sixth classes may be appointed or elected as provided by law. The terms of office of Mayors or Chief Executives and Police Judges shall be four years, and until their successors shall be qualified; and of members of legislative boards, two years. When any city of the first or second class is divided into wards or districts, members of legislative boards shall be elected at large by the qualified voters of said city, but so selected that an equal proportion thereof shall reside in each of the said wards or districts; but when in any city of the first, second or third class, there are two legislative boards, the less numerous shall be selected from and elected by the voters at large of said city; but other officers of towns or cities shall be elected by the qualified voters therein, or appointed by the local authorities thereof, as the General Assembly may, by a general law, provide; but when elected by the voters of a town or city, their terms of office shall be four years, and until their successors shall be qualified. No Mayor or Chief Executive or fiscal officer of any city of the first or second class, after the expiration of the term of office to which he has been elected under this Constitution, shall be eligible for the succeeding term. "Fiscal Officer" shall not include an Auditor or Assessor, or any other officer whose chief duty is not the collection or holding of public moneys. The General Assembly shall prescribe the qualifications of all officers of towns and cities, the manner in and causes for which they may be removed from office, and how vacancies in such offices may be filled. (See §147 and 148 and notes.)

of cities and towns, whether created by the Constitution or the Legislature, and under sections 2781, 2794 of the Ky Stat., the Mayor of cities of the first class has not the power to arbitrarily remove officers appointed for a definite term; good cause must be assigned, and an opportunity for defense allowed. *Todd v. Dunlap*, 99 Ky., 449; 18 R., 329; 36 S. W., 541.

(8) **Term fixed in this section** during which elective officers shall hold their office does not apply to officers elected under old charters, but only to those

elected under the general laws enacted to give effect to this Constitution. *City v. Wilson*, 97 Ky., 707; 17 R., 435; 31 S. W., 471.

(9) **Vacancy in city office.** This section is to be construed in connection with section 152, and therefore vacancies in the city offices can not be filled for a longer time than is provided in that section. *Shelly v. McCullough*, 97 Ky., 164; 17 R., 53; 30 S. W., 193; *Todd v. Johnson*, 99 Ky., 548; 18 R., 354; 36 S. W., 987.

§ 161. **Compensation—extension of term.** The compensation of any city, county, town, or municipal officer shall not be changed after his election or appointment, or during his term of office; nor shall the term of any such officer be extended beyond the period for which he may have been elected or appointed. (See § 235.)

§ 162. **Contracts unauthorized by law invalid.** No county, city, town or other municipality shall ever be authorized or permitted to pay any claim created against it, under any agreement or contract made without express authority of law, and all such unauthorized agreements or contracts shall be null and void.

§ 163. **Streets not to be taken by private corporation without consent—exception.** No street railway, gas, water, steam heating, telephone, or electric light company, within a city or

161. (1) **Application of section.** This section only applies to officers whose terms are fixed by law, and does not apply to policemen who hold office at the pleasure of a board. *City v. Renick*, 105 Ky., 779; 20 R., 1609; 49 S. W., 787; *City v. Thompson*, 24 R., 384; 24 R., 1998; 72 S. W., 816.

(2) **Compensation of an officer** can not be changed during his term, but where the compensation is not fixed when he takes office, it may afterwards be, and when so fixed can not be changed during his term. *City v. Wilson*, 99 Ky., 598; 18 R., 427; 36 S. W., 944; *Piercy v. Smith*, 117 Ky., 990; 25 R., 2158; 80 S. W., 201; *McNew v. Com.*, 29 R., 540; 93 S. W., 1047; *McNew v. Nicholas Co.*, 30 R., 1147; 100 S. W., 324; *McCracken Co. v. Reed*, 31 R., 31; 101 S. W., 348; *Spalding v. Thornburg*, 31 R., 738; 103 S. W., 291; nor can it be indirectly changed. *Thomas v. Hagar*, 120 Ky., 428; 27 R., 813; 86 S. W., 969; *Slayton v. Rogers*, 32 R., 898; 107 S. W., 696. Salary may be fixed after officer is elected. *Marion Co. v. Kelly*, 22 R., 174; 112 Ky., 831; 56

S. W., 815; *Barrett v. City*, 109 Ky., 151; 58 S. W., 520; *Jefferson Co. v. Waters*, 114 Ky., 48; 24 R., 816; 70 S. W., 40; *Board of Ed. v. Moore*, 114 Ky., 640; 24 R., 1478; 71 S. W., 621; *Butler Co. v. James*, 116 Ky., 575; 25 R., 801; 76 S. W., 402.

(3) **Circuit clerks in office** when act allowing \$5 fee in felony cases passed are not entitled to its benefits, as it changed their compensation. *Bright v. Stone*, 20 R., 817; 43 S. W., 207.

(4) **Officers—who are, in the meaning of this section.** *City v. Wilson*, 99 Ky., 598; 36 S. W., 944; 18 R., 427; *Lowry v. City*, 24 R., 516.

§ 162. **Void contract.** Ordinance allowing Police Judge his fees against persons who worked out their fines and making same payable by city is in violation of this section and sec. 3528, Ky. Stat. *Wadsworth v. City*, 24 R., 312; 68 S. W., 391.

§ 163. (1) **Application of section.** It does not apply to grants made before adoption of this Constitution, under which work has been commenced. *L. & N. R. R. v. Bowling Green R. Co.*,

town, shall be permitted or authorized to construct its tracks, lay its pipes or mains, or erect its poles, posts or other apparatus along, over, under or across the streets, alleys or public grounds of a city or town, without the consent of the proper legislative bodies or boards of such city or town being first obtained; but when charters have been heretofore granted conferring such rights, and work has in good faith been begun thereunder, the provisions of this section shall not apply.

§ 164. **Franchise or privilege not to be granted for longer than twenty years—sale of—exception.** No county, city, town, taxing district or other municipality shall be authorized or permitted to grant any franchise or privilege, or make any contract in reference thereto, for a term exceeding twenty years. Before granting such franchise or privilege for a term of years, such municipality shall first, after due advertisement, receive

23 R., 273; 63 S. W., 4; City v. Lou Water Co., 20 R., 1529; 105 Ky., 754; 49 S. W., 766.

(2) **A company that takes possession of a street for any purpose mentioned in this section without having first obtained consent from the proper authorities is a trespasser.** The only exception to this rule is contained in last clause of section. East Tenn. Tel. Co. v. City, 21 R., 305; 106 Ky., 667; 51 S. W., 308; East Tenn. Tel. Co. v. Anderson Co., 115 Ky., 488; 24 R., 2358; 74 S. W., 218; Rough River Tel. Co. v. Cumberland Tel. Co., 119 Ky., 470; 27 R., 32; 84 S. W., 517; Maraman v. Ohio Tel. Co., 25 R., 784; 76 S. W., 398; East Tenn. Tel. Co. v. Anderson Co., 22 R., 418; 57 S. W., 457; Merchants' Police Tel. Co. v. Citizens' Tel. Co., 29 R., 512; 93 S. W., 642; Rural Home Tel. Co. v. K. & I. Tel. Co., 32 R., 1071; 107 S. W., 787.

§ 164. (1) **Construction of section.** This section became operative upon the adoption of the Constitution, and a grant of a franchise to a water company by a city without a compliance with the provisions of this section was void. Nicholasville v.

Board of Council, 18 R., 592; 36 S. W., 549; 38 S. W., 430; and see *Monarch v. Owensboro R. R.*, 119 Ky., 939; 27 R., 380; 85 S. W., 193; *City of Providence v. Providence Electric Light Co.*, 28 R., 1015; 91 S. W., 664; *Frankfort Tel. Co. v. Common Council*, 30 R., 885; 100 S. W., 310; *Cum. T. & T. Co. v. City of Hickman*, 33 R., —; 111 S. W., 311, and note (2), sec. 163.

(2) **Grant of a franchise for a term of twenty years, to begin at a future date, is in violation of this section.** *City v. Smith*, 105 Ky., 678; 20 R., 1488; 49 S. W., 456; and see *Keith v. Johnson*, 22 R., 947; 109 Ky., 421; 59 S. W., 487; *Merchants' Police Tel. Co. v. Citizens' Tel. Co.*, 29 R., 512; 93 S. W., 642; *Hilliard v. Fetter Lighting & Heating Co.*, 31 R., 1330; 105 S. W., 115.

(3) **"Highest and best bidder"**—words mandatory—definition of *Keith v. Johnson*, 22 R., 947; 109 Ky., 421; 59 S. W., 487; *Monarch v. Owensboro City R. R. Co.*, 119 Ky., 939; 27 R., 380; 85 S. W., 193.

(4) **Right to exclude competition to prevent a monopoly.** *Stites v. Morton*, 31 R., 263; 101 S. W., 1189.

bids therefor publicly, and award the same to the highest and best bidder; but it shall have the right to reject any or all bids. This section shall not apply to a trunk railway.

§ 165. **Incompatible offices.** No person shall, at the same time, be a State officer or a deputy officer, or member of the General Assembly, and an officer of any county, city, town, or other municipality, or an employe thereof; and no person shall, at the same time, fill two municipal offices, either in the same or different municipalities, except as may be otherwise provided in this Constitution; but a Notary Public, or an officer of the militia, shall not be ineligible to hold any other office mentioned in this section.

§ 166. **Expiration of charters in force when Constitution took effect.** All acts of incorporation of cities and towns heretofore granted, and all members thereto, except as provided in section one hundred and sixty-seven, shall continue in force under this Constitution, and all City and Police Courts established in any city or town shall remain, with their present powers and jurisdictions, until such time as the General Assembly shall provide by general laws for the government of towns and cities, and the officers and courts thereof; but not longer than four years from and after the first day of January, one thousand eight hundred and ninety-one, within which time the General Assembly shall provide by general laws for the government of towns and cities, and the officers and courts thereof, as provided in this Constitution.

§ 167. **Terms of officers elected under old charter—when officers to be elected—Police Judges.** All city and town officers in this State shall be elected or appointed as provided in the

§ 165. **Incompatible offices.** A master commissioner is not a State officer or a deputy State officer in the meaning of this section. *Goodloe v. Fox*, 96 Ky., 627; 16 R., 653; 29 S. W., 433. The office of deputy sheriff is incompatible with the office of city collector. *Keating v. City*, 18 R., 245; 35 S. W., 1026.

§ 166. **Charters in existence prior to the Constitution.** This section provides for the continuation of existing laws. In the meantime, the existing governmental regulations of cities and

towns must remain in force. Their present charters and amended charters must, for the present, suffice. *Holtzhauer v. City of Newport*, 94 Ky., 396; 15 R., 188; 22 S. W., 752; *Bryne v. City of Covington*, 15 R., 33; 21 S. W., 1050.

§ 167. **Cases construing this section.** *Johnson v. Wilson*, 95 Ky., 415; 15 R., 852; 25 S. W., 1057; *Boyd v. Land*, 97 Ky., 379; 17 R., 273; 30 S. W., 1019; *Tevis v. Rice*, 97 Ky., 528; 30 S. W., 1021; 17 R., 350; *Jones v. Wilshire*, 98 Ky., 391; 17 R.,

charter of each respective town and city, until the general election in November, 1893, and until their successors shall be elected and qualified, at which time the terms of all such officers shall expire; and at that election, and thereafter as their terms of office may expire, all officers required to be elected in cities and towns by this Constitution, or by general laws enacted in conformity to its provisions, shall be elected at the general elections in November, but only in the odd years, except members of municipal legislative boards, who may be elected either in the even or odd years, or part in the even and part in the odd years: Provided, That the terms of office of Police Judges, who were elected for four years at the August election, eighteen hundred and ninety, shall expire August thirty-first, eighteen hundred and ninety-four, and the terms of Police Judges elected in November, eighteen hundred and ninety-three, shall begin September first, eighteen hundred and ninety-four, and continue until the November election, eighteen hundred and ninety-seven, and until their successors are elected and qualified.

§ 168. **Penalty for violation of municipal ordinance—bar.** No municipal ordinance shall fix a penalty for a violation thereof at less than that imposed by statute for the same of-

989; 33 S. W., 199; Lafferty v. Huffman, 99 Ky., 80; 18 R., 17; 35 S. W., 123; Goodloe v. Fox, 96 Ky., 627; 16 R., 653; 29 S. W., 433; City v. Wilson, 97 Ky., 707; 17 R., 435; 31 S. W., 471; City v. Elmore, 100 Ky., 417; 18 R., 909; 38 S. W., 849; Jackson v. City, 22 R., 94; 56 S. W., 501.

§ 168. (1) **City ordinance can not fix a less penalty for an offense denounced by statute than is imposed by the statute**, but may fix a greater penalty, and for a common law offense may fix a less penalty than that prescribed by the common law. City v. Sparks, 99 Ky., 351; 18 R., 269; 36 S. W., 4; City v. Simms, 99 Ky., 49; 17 R., 1393; 34 S. W., 1085; Taylor v. Com., 98 Ky., 271; 17 R., 856; 32 S. W., 948; and see further unimportant cases of Orme v. Com., 21 R., 1412; 55 S. W., 195; Mullins v. City, 23 R., 436; 63 S. W., 475.

(2) **Conviction under an ordinance in a police court for an offense not punishable by statute—such as nuisance—does not bar a conviction for the same offense in the Circuit Court under an indictment.** Respass v. Com., 21 R., 789; 53 S. W., 24; 107 Ky., 139; Ehrlick v. Com., 118 Ky., 818; 26 R., 740; 82 S. W., 440.

(3) **Disorderly conduct is not the same offense as a breach of the peace, and an ordinance may fix a less penalty for it than is fixed by statute for a breach of the peace.** City v. Holly, 108 Ky., 621; 22 R., 358; 57 S. W., 491.

(4) **Ordinance local in its character—such as one that imposes a penalty on persons peddling without license—is not violative of this section, because it fixes the time at less than that imposed by statute for the same offense, nor is a conviction under it a bar to prosecution by indictment.**

fense. A conviction or acquittal under either shall constitute a bar to another prosecution for the same offense.

REVENUE AND TAXATION.

§ 170. **Property exempt-cities may exempt manufactories.** There shall be exempt from taxation public property used for public purposes; places actually used for religious worship,

ment. *City v. Heckinger*, 103 Ky., 381; 20 R., 74; 45 S. W., 358; *Com. v. City of Flemingsburg*, 30 R., 1170; 100 S. W., 333; *Crosdale v. City of Cynthiana*, 21 R., 36; 50 S. W., 977.

(5) **Ordinance fixing a less penalty** than provided by statute for the same offense is void. *Kehr v. Com.*, 26 R., 1234; 83 S. W., 633.

§ 170. (1) **Construction of section.** Acts held to be unconstitutional. *Barbour v. Louisville Board of Trade*, 82 Ky., 645; 6 R., 769; *Com. v. Masonic Temple Co.*, 87 Ky., 349; 10 R., 325; 8 S. W., 699; *Clark v. Louisville Water Co.*, 90 Ky., 515; 12 R., 309; 14 S. W., 502; *Com. v. McKibben*, 90 Ky., 384; 14 S. W., 372; 12 R., 474; *City v. Bellevue Water Co.*, 24 R., 194; 68 S. W., 142. Act exempting an orphans' home from taxation held to be valid. *Zable v. Louisville Baptist Orphans' Home*, 92 Ky., 89; 12 R., 385; 17 S. W., 212. Statute exempting property of the institution so long as occupied for the purposes of its organization does not exempt property rented out; although the rents may be applied to such purposes. *City of Louisville v. Board of Trade*, 90 Ky., 409; 12 R., 397; 14 S. W., 408. These cases construed acts passed before adoption of this Constitution. Under this Constitution the court held in *City v. Com.*, 19 R., 105; 39 S. W., 836, that water works erected by the city of Covington, although exempted from taxation by special

act, were subject to county and state taxation, deciding that the words "public property" means property used for governmental purposes, and that property such as water works, adapted and used for profit or convenience of the citizens individually or collectively, was not public property, following the ruling in *City v. Com.*, 1 Duv., 295; to the same effect is *Negley v. City*, 21 R., 1394; 55 S. W., 554; *Board of Councilmen v. Com.*, 26 R., 957; 82 S. W. 1008; but in *Board of Councilmen v. Com.*, 29 R., 699; 82 S. W., 368; the *City v. Com.*, 19 R., 105; 39 S. W., 836; and the cases that followed it were overruled and the right of exemption extended to property used for public purposes and this case has been followed in *Com. v. City*, 32 R., 837; 107 S. W., 231.

(2) In *Trustees of Orphan School v. City*, 100 Ky., 470; 19 R., 1091, 1916; 36 S. W., 921, an orphan school, the primary object of which is to educate orphans, is held to be an institution of "purely public charity," although pay pupils are admitted, and its exemption includes its endowments, as well as real estate owned in a distant city. In *City of Louisville v. Southern Baptist Seminary*, 100 Ky., 506; 19 R., 1100; 36 S. W., 905, a seminary established for the purpose of furnishing, free of charge, education to young men preparing for the ministry, is held to be an institution of "purely public charity," although

with the grounds attached thereto and used and appurtenant to the house of worship, not exceeding one-half acre in cities or towns, and not exceeding two acres in the country; places of burial not held for private or corporate profit, institutions of

its organization and management is under private and denominational control. And in the City of Louisville v. Board of Trustees, 100 Ky., 518; 19 R., 1102; 36 S. W., 994, it is held that institutions of learning, where an education is furnished free or at a nominal price, are exempt; and see further on the subject of exemption of institutions of various kinds, Com. v. Gray, 115 Ky., 665; 25 R., 52; 74 S. W., 702; Louisville College of Pharmacy v. City, 26 R., 825; 82 S. W., 610; Com. v. Pollitt, 25 R., 790; 76 S. W., 412; Morton v. City of Louisville, 118 Ky., 836; 26 R., 846; 82 S. W., 621; German Gymnastic Asso. v. Com., 117 Ky., 958; 25 R., 2105; 80 S. W., 201; Com. v. Thomas, 119 Ky., 208; 26 R., 1128; 83 S. W., 572; Com. v. Trustees of Hamilton College, 30 R., 1338; 101 S. W., 405.

(3) **Cemetery companies—taxation of.** See Com. v. Lex Cem. Co., 24 R., 924; 114 Ky., 165; 70 S. W., 280.

(4) **Chautauqua grounds,** the proceeds from which go to meet the expenses of the organization, is not exempt from taxation. Bosworth v. Ky. Chautauqua, 23 R., 1393; 112 Ky., 115; 65 S. W., 602.

(5) **Christian association—exempt.** 116 Ky., 711; 25 R., 940; 76 S. W., 522.

(6) **Infirmaries and hospitals.** Wathen v. City of Louisville, 27 R., 635; 85 S. W., 1195.

(7) **Manufacturing plants—**exemption of from taxation only allowable as an inducement to their location, and does not apply to plants already established. City of New South K. & I. Co., 21 R., 1782; 108 Ky., 351; 56 S. W., 427; and see Conti-

mental Tobacco Co. v. City of Louisville, 29 R., 616; 94 S. W., 11; Mengel Box Co. v. City of Louisville, 117 Ky., 735; 25 R., 1861; 79 S. W., 255.

(8) **Masonic Temple property** used and enjoyed only by members of the Masonic order is not a "purely public charity," and is subject to taxation. City v. Masonic Temple Ass'n 21 R., 1785; 56 S. W., 405; Same v. Same, 103 Ky., 592; 20 R., 266; 45 S. W., 881; 46 S. W., 697.

(9) **Municipal and State property** owned by and used exclusively for municipal purposes is exempt from taxation. City v. Com., 20 R., 1281; 105 Ky., 344; 49 S. W., 320; but this exemption does not apply to assessments made for street improvements; 119 Ky., 503; 27 R., 129; 84 S. W., 556.

(10) **Odd Fellows' Widows' and Orphans' Home** is exempt. Widows' and Orphans' Home v. Com., 31 R., 775; 103 S. W., 354.

(11) **Parsonage** located on same lot as church is not exempt from taxation when it is rented, although the rent is paid to the pastor of the church. Broadway Church v. Com., 23 R., 1695; 112 Ky., 448; 66 S. W., 32; City of Louisville v. Werne, 25 R., 2196; 80 S. W., 224.

(12) **Property exempt from assessment** may be seized and sold to pay taxes due by owner. Reams v. McHargue, 23 R., 540; 111 Ky., 163; 63 S. W., 437.

(13) **Special acts exempting property** in district from certain kinds of taxation were repealed by this Constitution. Campbell Co. v. N. & C. Bridge Co., 23 R., 2056; 112 Ky., 659; 66 S. W., 526.

purely public charity, and institutions of education not used or employed for gain by any person or corporation, and the income of which is devoted solely to the cause of education; public libraries, their endowments, and the income of such property as is used exclusively for their maintenance; all parsonages or residences owned by any religious society, and occupied as a home, and for no other purpose, by the minister of any religion, with not exceeding one-half acre of ground in towns and cities and two acres of ground in the country appurtenant thereto; household goods and other personal property of a person with a family, not exceeding two hundred and fifty dollars in value; crops grown in the year in which the assessment is made, and in the hands of the producer; and all laws exempting or commuting property from taxation other than the property above mentioned shall be void. The General Assembly may authorize any incorporated city or town to exempt manufacturing establishments from municipal taxation, for a period not exceeding five years, as an inducement to their location. (See § 3, and notes.)

§ 179. **County or municipality not to become stockholder in corporation or lend its credit—exceptions.** The General Assembly shall not authorize any county or subdivision thereof, city, town, or incorporated district, to become a stockholder in any company, association or corporation, or to obtain or appropriate money for, or to loan its credit to, any corporation, association or individual, except for the purpose of constructing or maintaining bridges, turnpike roads, or gravel roads: Provided, If any municipal corporation shall offer to the Commonwealth any property or money for locating or building a Capitol, and the Commonwealth accepts such offer, the corporation may comply with the offer.

§ 179. (1) **Construction of section.** City of Lexington authorized by sec. 3058, Ky. Stat., to donate money to erect State Houses of Reform. Board of Trustees v. City, 23 R., 1470; 112 Ky., 171; 65 S. W., 350.

(2) **Purchase of turnpike by county** is not a violation of this

section. M. & L. T. P. Co. v. Wiggins, 104 Ky., 540; 20 R., 724; 47 S. W., 434.

(3) **Subscription to stock in railroad by county** is prohibited by this section. Whitney v. The Ky. Midland R. Co., 23 R., 472; 110 Ky., 955; 63 S. W., 24.

§ 180. **Poll tax—limit of—what law or ordinance levying tax shall specify.** The General Assembly may authorize the counties, cities or towns to levy a poll tax not exceeding one dollar and fifty cents per head. Every act enacted by the General Assembly, and every ordinance and resolution passed by any county, city, town, or municipal board or local legislative body, levying a tax, shall specify distinctly the purpose for which said tax is levied, and no tax levied and collected for one purpose shall ever be devoted to another purpose.

§ 181. **Legislature to confer power to levy taxes—license fees and other taxes.** The General Assembly shall not impose taxes for the purpose of any county, city, town or other municipi-

§ 180. (1) **Fiscal Court—Order levying tax must specify purpose.** Com. v. U. S. F. & G. Co., 28 R., 362; 89 S. W., 251; Pulaski Co. v. Watson, 106 Ky., 500; 21 R., 61; 50 S. W., 861; Cahil v. Perrine, 105 Ky., 531; 20 R., 1454; 49 S. W., 344.

(2) **Graded school—tax levied for benefit of by Board of Education or Trustees, must specify purpose of tax.** U. S. F. & G. Co. v. Board of Education, 118 Ky., 855; 26 R., 246; 80 S. W., 1191.

(3) **License fee—is not a tax in meaning of this section.** Seyars v. Hamilton, 29 R., 127; 92 S. W., 564; Brown-Forman Co. v. Com., 30 R., 793; 101 S. W., 321.

(4) **Ordinance levying tax must specify purpose.** City v. Somerset Bkg. Co., 22 R., 1129; 60 S. W., 5; Burch v. City, 18 R., 284; 36 S. W., 12; Town v. Eversole, 29 R., 830; 96 S. W., 478; City of Louisville v. Button, 26 R., 606; 82 S. W., 293; C. & O. & S. W. R. Co. v. Com., 33 R., —; 111 S. W., 334.

(5) **Poll tax levied for county purposes may be collected from the citizens of a town that has also a poll tax for municipal purposes.** Short v. Bartlett, 24 R., 932; 114 Ky., 143; 70 S. W., 283.

(6) **Surplus taxes collected by a county, when the purpose for**

which the tax was collected has been accomplished, become a part of the general fund of the county available for county purposes. Field v. Stroube, 19 R., 1751; 103 Ky., 114; 44 S. W., 363. Where the collection of the tax due by a tax-payer to pay bonds is delayed until the bonds are paid, he can be required to pay the tax that he should have paid. Wathen v. Young, 103 Ky., 36; 19 R., 1678; 44 S. W., 115.

(7) **Tax levied for school purposes can not be used to establish a free library.** Board of Education v. Board of Trustees, 24 R., 98; 113 Ky., 234; 68 S. W., 10; Board of Trustees v. Board of Education, 25 R., 341; 75 S. W., 225.

(8) **Taxing district—levying tax must specify purpose.** Carpenter v. Town of Central Cov., 119 Ky., 785; 26 R., 430; 81 S. W., 919.

§ 181. (1) **Double taxation—when imposition of license tax is.** Standard Oil Co. v. Com. 119 Ky., 75; 25 R., 985; 82 S. W., 1020; and see City of Louisville v. Louisville R. W. Co., 118 Ky., 534; 26 R., 378; 81 S. W., 701; Cumberland Tel. Co. v. Hopkins, 28 R., 846; 90 S. W., 594.

(2) **Legislature can not impose taxes on municipalities for purely local concerns, but may**

pal corporation, but may, by general laws, confer on the proper authorities thereof, respectively, the power to assess and collect such taxes. The General Assembly may, by general laws only, provide for the payment of license fees on franchises, stock used for breeding purposes, the various trades, occupations and professions, or a special or excise tax; and may, by general laws, delegate the power to counties, towns, cities, and other municipal corporations, to impose and collect license fees on stock used for breeding purposes, on franchises, trades, occupations and professions.

In 1902 the General Assembly authorized the submission of the following amendment to this section and the amendment was adopted by the people at the polls:

The General Assembly shall not impose taxes for the purposes of any county, city, town or other municipal corporation, but may, by general laws, confer on the proper authorities thereof, respectively, the power to assess and collect taxes. The General Assembly may, by general laws only, provide for the payment of license fees on franchises, stock used for breeding purposes, the various trades, occupations and professions, or a

authorize them to impose such taxes. McDonald v. City, 24 R., 271; 113 Ky., 425; 68 S. W., 413.

(3) **License tax** may be imposed by cities upon professions and occupations. Elliott v. City of Louisville, 19 R., 414; 101 Ky., 262; 40 S. W., 690; Burch v. City of Owensboro, 18 R., 284; 36 S. W., 12; Hall v. Com., 19 R., 578; 101 Ky., 382; 41 S. W., 2; Baker v. City, 21 R., 809; Fidelity Co. v. City, 20 R., 1785; 106 Ky., 207; 50 S. W., 35; City of Covington v. Herzog, 116 Ky., 725; 25 R., 938; Southern B. & L. Ass'n v. Norman, 98 Ky., 294; 17 R., 887; 32 S. W., 952. A druggist may be required to pay a license to sell liquor as a medicine. Com. v. Fowler, 96 Ky., 166; 16 R., 360; 28 S. W., 786; and an ordinance imposing a tax upon vehicles let for hire is valid. City of Covington v. Woods, 98 Ky., 344; 17 R., 927; 33 S. W., 84; Wilson v. City, 20 R., 1593, 1980; 49 S. W., 806; 50 S. W., 834; 105 Ky., 765;

but a license tax can not be imposed as a substitute for an ad-valorem tax, but may be levied as an addition to it. Levi v. City of Louisville, 97 Ky., 394; 16 R., 872; 30 S. W., 973; but see amendment to this section.

(4) **Peddlers**—license tax may be imposed upon by cities. West v. City, 23 R., 1670; 65 S. W., 120; City of Carlisle v. Hechinger, 103 Ky., 381; 20 R., 74; 45 S. W., 358; Crasdale v. City, 21 R., 36; 50 S. W., 977.

(5) **Substitution of license tax** for ad-valorem as authorized by amendment to this section. See Schuster v. City of Louisville, 28 R., 588; 89 S. W., 689; Wiemer v. Com'rs Sinking Fund, 30 R., 523; 99 S. W., 242.

(6) **Trades, occupations and business** may be taxed, but tax must be uniform. Brown-Forman Co. v. Com., 30 R., 793; 101 S. W., 321; Strater Bros Tobacco Co. v. Com., 117 Ky., 604; 25 R., 1717; 78 S. W., 871; Hagar v. Walker, 32 R., 748; 107 S. W., 254.

special or excise tax; and may, by general laws, delegate the power to counties, towns, cities and other municipal corporations, to impose and collect license fees on stock used for breeding purposes, on franchises, trades, occupations and professions. And the General Assembly may, by general laws only, authorize cities or towns of any class to provide for taxation for municipal purposes, on personal property, tangible and intangible, based on income, licenses or franchises, in lieu of an ad valorem tax thereon: Provided, Cities of the first class shall not be authorized to omit the imposition of an ad valorem tax on such property of any steam railroad, street railway, ferry, bridge, gas, water, heating, telephone, telegraph, electric light or electric power company.

§ 228. **Oath to be taken by all officers—form of.** Members of the General Assembly and all officers, before they enter upon the execution of the duties of their respective offices, and all members of the bar, before they enter upon the practice of their profession, shall take the following oath or affirmation: I do solemnly swear (or affirm, as the case may be) that I will support the Constitution of the United States and the Constitution of this Commonwealth, and be faithful and true to the Commonwealth of Kentucky so long as I continue a citizen thereof, and that I will faithfully execute, to the best of my ability, the office of ——— according to law; and I do further solemnly swear (or affirm) that since the adoption of the present Constitution, I, being a citizen of this State, have not fought a duel with deadly weapons within this State nor out of it, nor have I sent or accepted a challenge to fight a duel with deadly weapons, nor have I acted as second in carrying a challenge, nor aided or assisted any person thus offending, so help me God.

§ 234. **Officers to reside in their respective districts, counties or towns.** All civil officers for the State at large shall reside

§ 228. (1) **Applies to all officers.** Board of Aldermen of a city, acting as a court of inquiry to try charges against a city officer, is a court of limited jurisdiction, and can only sit as a court by taking oath required by the Constitution. *Tompert v. Lithgow*, 1 Bush 176. Section applies to all State, district, county, city and town officers. *Morgan v. Vance*, 4 Bush, 323.

(2) **Officers authorized to administer oath.** Clerk of Board of Aldermen of a city, or a notary public, not authorized to administer the oath. *Tompert v. Lithgow*, 1 Bush, 176.

§ 234. (1) **Residence within the town or city limits is not essential for any, save strictly town or city officers.** Police commissioners elected under the act of 1868 for the city of Louis-

within the State, and all district, county, city or town officers shall reside within their respective districts, counties, cities or towns, and shall keep their offices at such places therein as may be required by law.

§ 235. **Salaries of officers not to be changed during term—deduction from.** The salaries of public officers shall not be changed during the terms for which they were elected; but it shall be the duty of the General Assembly to regulate, by a general law, in what cases and what deductions shall be made for neglect of official duties. This section shall apply to members of the General Assembly also. (See § 161.)

§ 236. **Time when officers shall enter upon their duties.** The General Assembly shall, by law, prescribe the time when the several officers authorized or directed by this Constitution to be elected or appointed, shall enter upon the duties of their respective offices, except where the time is fixed by this Constitution.

§ 237. **Offices incompatible.** No member of Congress, or person holding or exercising an office of trust or profit under the United States, or any of them, or under any foreign power,

ville and Jefferson county are invested with the dual character and powers of the city and county functionaries. *Police Commissioners v. City of Louisville*, 3 Bush, 597; see note (7), sec. 227.

(2) **Tax Collector** appointed by the County Court to collect taxes in place of the sheriff, removed, is not a district officer in the meaning of this section, and may collect tax in districts other than the one in which he resides. *Com. v. Blackwell*, 97 Ky., 314; 17 R., 183; 30 S. W., 642.

§ 235. (1) **Salary of Circuit Judge can only be reduced for neglect of official duty.** Powers of auditor and treasurer. *Auditor v. Adams*, 13 B. M., 150; *Garrard v. Nuttall*, 2 Met., 106; *Auditor v. Cochran*, 9 Bush, 7; *Perkins v. Auditor*, 79 Ky., 306; 2 R., 303; and can not be changed during term of office. *Mc-*

Cracken Co. v. Reed, 31 R., 31; 101 S. W., 348.

(2) See cases cited in notes to sec. 161, Constitution, with reference to compensation of officers and changes therein.

§ 236. **Failure to qualify within appointed time vacates office.** *Barnett v. Hart*, 112 Ky., 728; 66 S. W., 726; 22 R., 2116; and see *Schuff v. Pfanz*, 99 Ky., 97; 18 R., 25; 35 S. W., 132; and see *Jones v. Sizemore*, 117 Ky., 810; 25 R., 1957; 79 S. W., 229.

§ 237. (1) **Postmaster and County Judge are incompatible.** *Hoglan v. Carpenter*, 4 Bush, 89; and see Ky. Stat., 3744-6, and notes thereto.

(2) **Postmaster and Justice of the Peace are incompatible.** *Rodman v. Harcourt*, 4 B. M., 224; *Justices of Spencer Co. v. Harcourt*, Id., 499.

shall be eligible to hold or exercise any office of trust or profit under this Constitution, or the laws made in pursuance thereof.

§ 242. **Private property—taking of for public purposes—appeal—trial by jury.** Municipal and other corporations, and individuals invested with the privilege of taking private property for public use, shall make just compensation for property taken, injured or destroyed by them; which compensation shall be paid before such taking, or paid or secured, at the election of such corporation or individual, before such injury or destruction. The General Assembly shall not deprive any person of an appeal from any preliminary assessment of damages against any such corporation or individual made by Commissioners or otherwise; and upon appeal from such preliminary assessment, the amount of such damage shall, in all cases, be determined by a jury, according to the course of the common law. (See notes to § 13.)

§ 242. (1) **Taking private property for public use.** Under this section the owner of property abutting upon a street may recover damages from the city for injury sustained by the excavation of a street or for any improvement that injures or destroys or takes his property. *City of Henderson v. McClain*, 19 R., 1450; 102 Ky., 402; 43 S. W., 700; *Yates v. Big Sandy R. R.*, 28 R., 206; 89 S. W. 108; *Pickerell v. City of Louisville*, 30 R., 1239; 100 S. W., 873; *City v. Jephson*, 21 R., 1028; 53 S. W., 1046; *City v. Detweiler*, 20 R., 849; 47 S. W., 881; *Barfield v. Gleason*, 23 R., 128; 111 Ky., 491; 63 S. W., 964; and see notes to sec. 13; and *R. & L. Turnpike Co. v. Madison Co.*, 114 Ky., 351; 24 R., 1260; 70 S. W., 1044; *Hay v. City of Lexington*, 114 Ky., 665; 24 R., 1495; 71 S. W., 867; *Henderson v. City*, 33 R., —; 111 S. W., 318.

(2) **Railroad company that permits its culverts to become obstructed**, thereby causing the

flow of water to injure property of adjoining owner is liable in damages. *Stith v. L. & N. R. R. Co.*, 22 R., 653; 109 Ky., 168; 58 S. W., 600; and so where by the erection of an embankment it causes water to flow over adjacent land. *L. & N. R. R. Co. v. Brinton*, 22 R., 664; 109 Ky., 180; 58 S. W., 604.

(3) **City liable to land owner for damages** caused by the erection of a pest-house near his premises. *City v. Allen*, 23 R., 701; 111 Ky., 361; 63 S. W., 981. And county is liable for damages caused by cutting down a county road so as to injure property of adjacent owner. *Layman v. Beeler*, 24 R., 174; 113 Ky., 221; 67 S. W., 994.

(4) **Damages recoverable for injury** to abutting property by construction and operation of a railroad. *M. & B. R. R. Co. v. Connor*, 16 R., 635; 29 S. W., 344; *M. & B. S. R. v. Ingram*, 16 R., 853; 30 S. W., 8; *J. M. & I. R. R. v. Esterle*, 13 Bush, 677; and notes to sec. 13.

AN ACT FOR THE Government of Cities of the First Class

(Approved July 1, 1893)

AND AMENDMENTS THERETO.

Cities of the First Class.

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| Subdiv. 1. General provisions. 2742. | Subdiv. 19. Judge of police court. 2923. |
| 2. Boundaries. 2760. | 20. Clerk police court. 2929. |
| 3. Legislative department. 2765. | 21. Prosecuting attorney of police court. 2935. |
| 4. Executive department. 2784. | 22. Bailiff of police court. 2940. |
| 5. Executive boards. 2802. | 23. Interpreter and stenographer of police court. 2945. |
| 6. Board of public works. 2824. | 24. Bond Recorder. 2947. |
| 7. Public ways. 2832. | 25. Live stock inspector. 2948. |
| 8. Parks. 2840. | 26. Education. 2949. |
| 9. Public wharves. 2860. | 27. Revenue and taxation. 2979. |
| 10. Board of public safety. 2861. | a. General provisions. 2979. |
| 11. Police and fire departments. 2865. | b. Assessments. 2985. |
| 12. Comptroller. 2897. | c. Collection and payment of taxes. 2997. |
| 13. Auditor. 2901. | 28. Sinking fund. 3010. |
| 14. Treasurer. 2902. | 29. Liquor Licenses. 3025. |
| 15. Tax Receiver. 2904. | |
| 16. Assessor. 2906. | |
| 17. City Attorney. 2909. | |
| 18. Police Court. 2911. | |

SUBDIVISION I.

General Provisions.

§. 2742. **Incorporation and corporate powers.** That the inhabitants of cities of the first class are hereby continued corporate by the name and style which they now bear, with

Rights and Powers Generally.

§ 2742. (1) **Authority strictly construed.** General rule is that the authority delegated to municipal corporations is to be strictly construed. *Kniper v. Louisville,*

7 Bush, 599; *Wheatley v. Covington*, 11 Bush, 18; *Johnson v. Louisville*, 11 Bush, 527. Exceptions to rule. *Broadway Baptist Church v. McAtee*, 8 Bush, 508.

(2) **City may hold property in trust** under a will for charitable

power to govern themselves by such ordinances and resolutions for municipal purposes as they may deem proper, not to conflict with this act, nor the Constitution and laws of this State, nor of the United States; with power to contract and be contracted with; to sue and be sued; to defend and be defended

uses, and may be compelled to execute such trust. *Peynado v. Peynado*, 82 Ky., 5; 5 R., 753.

(3) **Discrimination against non-residents.** A city ordinance which discriminates against residents of other States is in violation of the Federal Constitution, although it makes the same discrimination against the residents of this State outside of the city. *Fecheimer v. Louisville*, 84 Ky., 306; 8 R., 310; *Simrall v. City of Covington*, 90 Ky., 451; *McGraw v. Town of Marion*, 98 Ky., 678.

(4) **Issual and sale of municipal bonds.** It is no objection to an ordinance providing for the issual of municipal bonds that it gives the Mayor the discretion to sell them at a lower rate of interest than that fixed in the ordinance if he can do so. There is no unauthorized delegation of legislative power. *Frantz v. Jacob*, 88 Ky., 525; 11 R., 55.

(5) **Legislative power.** General Council can not, by contract, deprive itself of this power. *Lou. City Ry. v. Louisville*, 8 Bush, 415; *Bateman v. City of Covington*, 90 Ky., 390.

(6) **Market — regulation of.** Mayor and Council have the right to inflict penalties on its citizens for vending at market articles not the product of the vendor. *Louisville v. Roupe*, 6 B. M., 591.

(7) **Nuisance — abatement of.** City government may, when the use to which the owner devotes his property becomes a nuisance, compel him to cease to use it, and punish him for refusing to obey its ordinances. *Lou City Ry. v. Louisville*, 8 Bush, 415.

(8) **Observance of Sabbath.** Enforcement of observance of Sabbath — powers of city. *Orms-*

by v. Louisville, 79 Ky., 197; 2 R., 297; *Commonwealth ex rel Barth v. McCann*, Judge, 94 S. W., 645; 29 R., 707.

(9) **Ordinance fixing offense and punishment.** The Mayor and Council have the right, by their ordinance, to define the acts which they intend to punish, and the act defined is the offense. *Louisville v. Roupe*, 6 B. M., 591.

(10) **Penal ordinances.** A general grant of power should not be held to confer authority upon a municipal corporation to make an ordinance punishing an act which is made punishable as a criminal offense by the State laws. *Com. v. Duff*, 87 Ky., 586; 10 R., 617; *City of Louisville v. Wehmhoff*; *City of Louisville v. Alvey*, 76 S. W., 876; 25 R., 995.

(11) **Police Power — public health.** Power of State to protect the public health through her towns and cities can not be relinquished, yet the municipalities entrusted with the power may make contracts to attain this end; and when made they can not disregard them upon their mere caprice. *Louisville v. Wible*, 84 Ky., 290; 8 R., 361.

(12) **Power to make contracts for city.** Persons contracting with corporations or their officers, must, at their peril, inquire concerning the authority of the contracting agents or officers to bind the corporation by such contract. *Trustees, etc., v. Hohn*, 82 Ky., 1; 5 R., 730; *Murphy v. Louisville*, 9 Bush, 189; *Craycraft v. Selvage*, 10 Bush, 696. The Mayor can not, as a general rule, employ counsel to represent the city in a litigation. *Owensboro v. Weir*, 95 Ky., 158; 15 R., 506. Cases of emergency may arise where the power must

in all courts; to acquire property for municipal purposes by purchase or otherwise; to hold the same and all property and effects now belonging to them, either in their own names or in the names of others, to the use of the city, for the purposes and intents for which the same were granted or dedicated; to use, manage, improve, sell, or convey, rent or lease the said property, and have the like powers over property hereafter acquired; to have a common seal, and change it at pleasure, and act with or without a seal.

necessarily exist. *Louisville v. Murphy*, 86 Ky., 53; 9 R., 310.

(13) **Special privileges.** A statute enacted for the protection of a city, if it relates to the exercise of a governmental power, is valid. *Preston v. Louisville*, 84 Ky., 118; 7 R., 797.

(14) **State laws operate within** the limits of municipal corporations and upon their inhabitants, as elsewhere, unless it is otherwise clearly provided in the charter or by statute. *Com. v. Duff*, 87 Ky., 586; 10 R., 617.

Liabilities of Corporation.

(15) **Injunction by city taxpayer.** A city taxpayer may enjoin the issuing of illegal bonds by the city, both for his own protection and for that of innocent parties who may purchase them. *Frantz v. Jacob*, 88 Ky., 525; 11 R., 55.

(16) **Mandamus against City Council.** Jurisdiction of Jefferson Circuit Court. *Kaye v. Kean*, 18 B. M., 839. Mandamus lies against City Council to compel the levy and collection of a tax to pay bonds issued to a railroad company. *Maddox v. Graham*, 2 Met., 56; *Fleming v. Dyer*, 20 R., 689.

(17) **Negligence of firemen.** City being required to establish and maintain a fire department, is not liable for injuries caused by the negligence of firemen. *Greenwood v. Louisville*, 13 Bush, 226.

A city is not liable to property

owner for negligence of firemen. —, 105 S. W., 100; *Davis v. City of Lebanon*, 108 Ky., 691; *Jolly v. City of Owensboro*, 89 Ky., 281; *Dudley v. City of Flemingsburg*, 115 Ky., 12; *Haring v. City of Covington*, 25 R., 1618.

(18) **Negligence of policemen.** City not liable for willful negligence of policemen in making arrest upon charge of felony. They act as officers of the Commonwealth. *Pollock v. Louisville*, 13 Bush, 221.

City not liable for acts of officers in enforcing laws. *Pollock v. Louisville*, 13 Bush, 221; *Bean v. City of Middlesborough*, 22 R., 415; *Twyman's Admr. v. Board of Council*, 117 Ky., 533. But see *McGraw v. Town of Marion*, 98 Ky., 678.

The city of Louisville is not responsible for the negligence of its officers and employes in the operation of an elevator in the City Hall. *Schwalk's Admr. v. City of Louisville*, 122 S. W., 860.

(19) **Official misconduct of officers.** City officers are responsible for malfeasance or nonfeasance in office, but the corporation is not liable for official misconduct of its officers. *Prather v. Lexington*, 13 B. M., 557; *Ward v. Louisville*, 16 B. M., 184; nor for willful neglect of policemen. *Pollock v. Louisville*, 13 Bush, 221.

(20) **Property destroyed by mob.** City not responsible. *Prather v. Lexington*, 13 B. M., 557; *Ward v. Louisville*, 16 B. M.,

§ 2743. **Legislative, executive, and judicial departments.** In said cities there shall be a legislative, an executive, and a judicial department. Neither of these departments shall exercise any power properly belonging to either of the others, except as permitted in this act.

§ 2744. **Separation for governmental purposes from county—city and county indebtedness.** (Repealed by act of March 24, 1904.)

§ 2745. **Official oath required of officers.** The members of the general council, and all other officers of the city, before entering upon the duties of their respective offices, shall each take such oath or affirmation as may be prescribed by this act or by ordinance; and, in addition each shall make an oath or affirmation that he has the qualifications prescribed by this act, and is not subject to any of the disabilities which render him ineligible to hold the office to which he has been elected.

§ 2746. **Eligibility to office.** No person shall be eligible to any office who is not at the time of his election a qualified

184; but now by statute under certain restrictions the city is liable. See Sec. 8 and notes.

(21) **Recovery of money paid by mistake.** One who has paid money to be paid for a license to do business, may recover the money, the ordinance being invalid. *Fecheimer v. Louisville*, 84 Ky., 306; 8 R., 310; *Brands v. City of Louisville*, 111 Ky., 61; *Bruner v. Town of Stanton*, 102 Ky., 461; see Const., Sec. 170 and notes; sec. 2980a and notes.

(22) **Taxation of city property—exemption.** See Con., sec. 170 and notes.

§ 2744. **Construction of section** 106 Ky., 615; 21 R., 199,

§ 2745. (1) **Clerks of boards of aldermen and councilmen are officers of the city government.** *Barret v. Godshaw*, 12 Bush, 592.

(2) **Election of officers of city.** The term "election," in its constitutional sense, is used to design-

nate a selection by the popular voice of a district, county, town, or city, or by some organized body in contradistinction to the appointment by some single person or officer. *Speed v. Crawford*, 3 Met., 207; *Police Coms. v. Louisv.*, 3 Bush, 597.

(3) **Presumed to have acted legally.** Functionaries acting openly for the welfare of the local public should not be presumed to have acted illegally. *Louisville v. Hyatt*, 2 B. M., 177.

(4) **Salaries may be attached.** Salaries of officers of cities may be attached and subjected to the payment of their debts. *Speed v. Brown*, 10 B. M., 108; *Rodman v. Musselman*, 12 Bush, 354; see 22 R., 1686; *Dickinson v. Johnson*, 110 Ky., 247; *Sanders v. Herndon*, 29 R., 325.

§ 2746. **Eligibility of person in annexed territory.** 105 Ky., 740; 20 R., 1547; *Gibson v. Wood*, 105 Ky., 740; 20 R., 1547.

voter of the city, and who has not resided therein three years preceeding his election.

§ 2747. **Officers making false entries—embezzlement and misapplication of funds—penalty.** If any auditor, tax receiver, treasurer, or comptroller, or other officer or assistant, or deputy of such officer of said city, shall make or knowingly permit others to make a false entry in his books, or shall allow or disallow any item or items, or shall knowingly fail to make any proper entry in his books, with intent to cheat or defraud said city, or any person or corporation, or shall embezzle or knowingly misapply or withhold any money or property of any kind belonging to said city, or coming into his hands officially, such officer, or assistant, or deputy shall, upon conviction thereof, be confined in the penitentiary of this Commonwealth not less than two nor more than ten years.

§ 2748. **Officer to hold until successor qualifies.** All officers who have qualified shall hold their offices until their successors are elected and qualified.

§ 2749. **Aiding escape from penal institutions—harboring or concealing—penalty.** Any person who shall aid, assist, or abet any male or female to escape from the House of Reform, the city workhouse, or any other penal institution, or shall harbor or conceal such persons, knowing them to have escaped, shall, upon conviction, be fined not less than one hundred dollars, or be confined in the county jail not less than thirty days, or both, at the discretion of the jury.

§ 2750. **Circuit judges and Commonwealth's attorney—salary supplemented.** (Repealed by act of March 24, 1904.)

§ 2751. **Ordinances—codification—publication—duty of city attorney.** All general ordinances of the city now in force and not in conflict with this act, shall continue in force until repealed by the general council, but not longer than two years

Residence for three years is sufficient to render a person eligible to office, although during part of three years the territory in which he resided was outside the city limits. *Meffert v. Brown*, 116 S. W., 779; 116 S. W., 1177.

§ 2748. This section does not apply to legislative body. Coun-

cilmen and aldermen under the charter of the city of Louisville could not hold over beyond the period for which they were elected, and their acts after the expiration of their terms were void. *Louisville v. Higdon*, 2 Met., 526; *McDermott v. City of Louisville*, 98 Ky., 50.

from the first election of the general council under this act, after which time there shall be a biennial publication of the general ordinances of the city, and no general ordinance shall be operative unless included and published in said biennial compilations, or unless passed subsequent to the last biennial publication. Immediately after the passage of this act, the city attorney shall codify the general ordinances of the city, and add thereto such provisions as may be necessary to carry out the purposes of this act. The code so prepared shall be promptly transmitted to the Mayor and general council. (*As amended by act of March 24, 1904.*)

§ 2752. **Actions against city—limitation.** Actions against the city for damages for injuries to person or property shall be begun within six months after the cause of action accrued. [Actions against the city for taxes or assessments claimed to have been illegally paid or collected shall be commenced within six months after the cause of action accrued.] (*Words in brackets added by act of March 16, 1898.*)

§ 2753. **Obligations due to tax-payers—deduction for taxes.** The city shall, in every instance, deduct and withhold from the amount of its obligations to any person owing or liable to it for taxes, the amount of such taxes, and surrender to such person the canceled tax bills therefor, which, to the amount thereof, with the interest and penalty thereon, if any, shall be a discharge of its obligations to such person.

§ 2754. **Fiscal year—when to begin and end.** The fiscal year of the city shall begin on the first day of September of each year and end on the thirty-first day of August following.

§ 2755. **Inspector of weights and measures—salary—penalty.** The general council shall, by ordinance, provide suitable penalties for the punishment of persons who knowingly use defective or imperfect weights or measures, and may provide for an inspector or inspectors of weights and measures. He shall have exclusive power to inspect weights and measures in the city, and he shall be paid a salary by the city. No fees shall be charged or received for such services. Nothing in this section shall be construed so as to interfere with the term of office or fees of the present sealer of weights and measures for Jefferson county.

§ 2752. **Limitation** fixed in this section is in violation of the Constitution. *City v. Kuntz*, 20 R.,

805; 104 Ky., 584; *City v. Siebert*, 21 R., 328.

§ 2756. **Officers and agents—terms, duties and compensation.** Except as otherwise herein provided, the general council may, by ordinance, prescribe the duties, define the term of office, and fix the compensation and the bond and the time of election of all officers and agents of the city.

§ 2757. **Officers or councilmen receiving bribe—penalty.** Any officer of said city, or member of the general council, who shall receive any money or other thing of value, directly or indirectly, for his vote or influence in favor of any measure upon which he may act officially, shall be deemed guilty of a felony, and, upon conviction thereof, shall be confined in the penitentiary not less than two nor more than twenty years.

§ 2758. **Building inspector—inspection of buildings.** The statutes heretofore enacted for the inspection of buildings, and for the appointment of building inspectors, shall continue in force until superseded by appropriate ordinances passed by the general council; but in no event shall such acts now in force continue longer than March fourth, one thousand eight hundred and ninety-four.

§ 2759. **Elective offices—when to take office.** All elective officers shall take effect at the same time as the mayor, unless otherwise specially provided herein.

§ 2756. **Municipal Officers.** (1) There can be no change in salaries of public officers during their terms. See sec. 161 of the Const., *City of Louisville v. Wilson*, 99 Ky., 598; 18 R., 427; *Marion County Fiscal Court v. Kelly*, 112 Ky., 835; *McNew v. Commonwealth*, 29 R., 543.

(2) This rule does not apply to municipal officers removable without cause. *City of Lexington v. Renick*, 105 Ky., 785.

(3) **Who are officers.** *Purnell v. Mann*, 105 Ky., 113; *Sinking Fund Commissioners v. George*, 104 Ky., 286; *Pratt v. Breckinridge*, 112 Ky., 8; *Lowry v. City of Lexington*, 113 Ky., 773.

(4) **Bond to be executed.** See secs. 3751 and 3752 Ky. Stats.; ——— v. *U. S. Fidelity Co.*, 102 S. W., 873.

§ 2758. **Building regulations.** Under Ky. St. 1903, Sec. 2758, which is a part of the act for the government of cities of the first class, passed July 1, 1893, and which provides that statutes previously enacted for the inspection of buildings shall continue in force until superseded by appropriate ordinances passed by the General Council, the whole question of building inspection is left to be regulated by ordinances passed by the General Council; and an ordinance so passed is valid, although it conflicts with Acts 1887-88, vol. 1, c. 124, which appears in Ky. St. 1903, secs. 1830, 1832, and which prescribe the conditions under which the owners of certain property shall place fire escapes thereon, and imposes a penalty

SUBDIVISION II.

Boundaries.

§ 2760. **Existing boundaries continued.** The boundaries of the cities of the first class shall, until changed as herein provided, remain as now established by law.

§ 2761. **Annexation or reduction of territory—ordinance, publication.** Whenever it is deemed desirable to annex any territory to the city, or to reduce the boundaries thereof, the general council thereof may enact an ordinance, defining accurately the boundary of the territory proposed to be annexed or stricken off, and such ordinance shall thereupon be published in at least ten issues of the daily paper published in and having the largest circulation in the cities. In not less than thirty days after the enactment of such ordinance, if the publication or notice, as herein provided, has been made or given, and no petition is filed in the circuit court, as provided in the next section, the general council may, by ordinance, annex to the

for leaving the building unprotected with fire escapes. *Louisville Public Library Co. v. City of Louisville*, 80 S. W., 1169; 26 Ky. Law Rep., 202; *Tilford v. Belknap*, 103 S. W., 289; 31 R., 662; *Boyd v. City of Frankfort*, 77 S. W., 669.

§ 2760. **Acquiescence in location of boundary line.** Where, for more than twenty years, a certain location of the boundary line was adopted and acted on by both the city and lot owners, and the line was, by subsequent acts of the Legislature, recognized as the true line, the construction given to the charter for so many years will not be disregarded. *Belknap v. City of Louisville*, 93 Ky., 444; 14 R., 420; *Carrithers, et al. v. City of Shelbyville*, 31 R., 1166.

§ 2761. (1) **Boundary.** Where an ordinance providing for the annexation of territory was repealed after proceeding under it had been commenced in Circuit Court, the action on motion of

city should be dismissed. *City v. Town of Crescent Hill*, 21 R., 755.

(2) Burden of proof is on petitioners who file petition resisting annexation, and they are entitled to conclusion of argument. Tax-payers who are residents of the city are competent jurors. *Ky. Wagon Co. v. City of Louisville*, 97 Ky., 548; 17 R., 366.

(3) **Failure to assign annexed territory** to a ward in the city does not deprive residents of the territory of any of their political rights. *Specht v. City*, 22 R., 699.

(4) Ordinance providing for annexation of territory—enactment of. *Oswald v. Gosnell*, 21 R., 1660; *Specht v. City*, 22 R., 699.

(5) **Status and political rights of citizens of annexed territory.** *Gibson v. Wood*, 105 Ky., 740; 20 R., 1547.

The motive of the Council in annexing territory cannot be inquired into. *Meffert v. Brown*, 116 S. W., 779; 116 S. W., 1177.

city the territory described in the ordinance hereinbefore mentioned, or reduce the limits, as the case may be; and upon the enactment of such ordinance such territory shall become part of such city, or shall be stricken therefrom.

§ 2762. **Remonstrance against—petition in circuit court.** Within thirty days after the enactment of an ordinance proposing to annex territory to the city, or to reduce the limits thereof, one or more residents or freeholders of the territory proposed to be annexed or stricken off may file a petition in the circuit court of the county, or any branch thereof having jurisdiction in civil cases, setting forth the reasons why such territory or any part thereof should not be annexed, or why the limits should not be reduced. Summons shall issue thereon and be executed on the mayor or chief executive officer of the city as in other cases, and the answer of the city shall be filed within twenty days after service of the summons. The case shall be tried according to the rules and practice prescribed for the trial of jury cases. If the jury be satisfied, upon a hearing, that less than seventy-five per cent. of the freeholders of the territory to be annexed or stricken off have remonstrated, and that the adding or striking off of such territory to the city will be for its interest, and will cause no manifest injury to the persons owning real estate in the territory sought to be annexed or stricken off, it shall so find, and said annexation or reduction shall be approved and become final. If the courts shall be satisfied that seventy-five per cent. or more of the resident freeholders of the territory sought to be annexed or stricken off have remonstrated, then such annexation or reduction shall not take place, unless the jury shall find from the evidence that a failure to annex or strike off will materially retard the prosperity of such city, and of the owners and inhabitants of the territory sought to be annexed or stricken off. In case the jury shall so find, the annexation or reduction shall not take place,

§ 2762. **When less than 75 per cent.** of the freeholders in the territory sought to be annexed remonstrate, the only questions for the jury to consider are whether the annexation will benefit the city and whether the annexation would cause manifest injury to the persons owning real estate in the territory. In such case it is improper to admit evidence that the annexation would

not be for the interest of the property-owners or would retard the growth of the city. It is also improper to admit evidence showing that the Council discriminated in favor of certain residents in making the annexation, as the City Council is the sole judge of what territory should be annexed. *City of Louisville v. Brown*, 119 S. W., 1196.

notwithstanding the remonstrance. An appeal from the judgment of the court may be taken, as in other cases, but there shall be no change of venue from the county. Costs shall follow the judgment. If the judgment of the court be adverse to annexation or reduction, no further effort to annex or strike off such territory shall be made within two years after the rendition of such judgment.

§ 2763. **Judgment certified to general council.** The judgment shall, when entered, be certified to the general council of the city, who may thereupon annex to or strike from the city the territory described in the judgment, and such territory shall become, or cease to become, as the case may be, a part of the city.

§ 2764. **Annexing smaller cities—liabilities, corporate property and franchises.** In accordance with the provisions of sections 2761, 2762 and 2763 hereof, it shall be lawful for a city of the first class to annex the territory of a smaller city or town. But the city thus annexing the territory of another shall be bound for all the debts and liabilities, and shall be the owner of all corporate property, franchises and rights of such municipal corporation: *Provided*, That if only a portion of the territory of any city or town shall be annexed, the amounts of the existing debts and liabilities which such city shall be bound for shall be in proportion as the value of the property so annexed bears to the value of all the property of the city or town from which such territory is taken, as shown by the last preceding assessment of the assessor of such city or town.

SUBDIVISION III.

Legislative Department.

§ 2765. **Board of councilmen and aldermen styled general council.** The legislative powers of said cities shall be in a board of twenty-four councilmen and in a board of twelve aldermen, which shall be styled the general council.

§ 2766. **Councilmen elected by voters of city—Two from each ward.** Councilmen shall be elected by the qualified voters of the city at large, and so selected that two shall be residents of and qualified voters in each ward.

§ 2767. **Aldermen elected by voters of the city.** Aldermen shall be selected from and elected by the qualified voters of the city at large.

§ 2768. **General council—term of office—qualifications—official oath.** Members of the general council shall hold their office for two years after the election. They shall be at least twenty-five years of age, and shall be housekeepers or owners of real estate in the city. They shall hold no other civil office. They shall not be directly or indirectly interested in any contract with said city, or in any application therefor, or a candidate for or hold any office or employment for pay in any company or corporation which holds or is an applicant for any contract with the city. Stockholders in corporations may be eligible, but shall not vote on or interfere, directly or indirectly, with any matters or question affecting a contract between such company and the city, or its right or duty under the same. No person while in arrears to the city for money collected shall be a member of the general council. Before any member-elect shall take his seat in either board, he shall make an oath or affirmation that he has the qualifications and is free from the disqualifications prescribed herein.

§ 2769. **Representation equal and uniform—twelve wards.** Representation shall be equal and uniform, and regulated by the number of inhabitants, as ascertained by the Federal census made in one thousand eight hundred and ninety, and by the Federal census every ten years thereafter. The general council shall lay off the city into twelve wards, as nearly equal as practicable in population.

§ 2770. **President and clerk elected by each board.** Each board shall elect from its members a president thereof for one year. In his absense a president pro tem. shall be chosen from the members. Each board shall elect a clerk and may elect a sergeant-at-arms.

§ 2771. **Qualification of members judged by board—expulsion—vacancies, how filled.** Each board shall judge the eligi-

§ 2768. (1) **Terms of councilmen.** This section providing that members of the council shall hold their office for two years after the election is constitutional. *McDermott v. City of Louisville*, 98 Ky., 50; 17 R., 617; *Louisville v Higdon*, 2 Met., 526.

(2) **Void contract—councilman interested.** Under this section a contract made between the city and a member of the council who

is interested in the contract is void, as is a contract between the city and a corporation when an officer or paid employe of the corporation is a member of the council. *Nunemacher v. City of Louisville*, 98 Ky., 334; 17 R., 933., 32 S. W. 1091.

§ 2771. **Qualifications of members of council** can only be inquired into by that board of

bility and the election of its members, adopt rules for its proceedings, and punish its members for disorderly conduct. Two-thirds of the members-elect concurring, either board may expel a member; but not twice for the same cause. Vacancies in either board shall be filled by the general council, in joint session.

§ 2772. **Quorum—attendance enforced—place and time of meeting.** A majority of the members-elect shall form a quorum of either board, but a smaller number may adjourn from day to day. The attendance of members may be enforced by rules or ordinances with appropriate fines. The general council shall meet on the first Tuesday succeeding the election. It may adjourn for not longer than thirty days. The boards shall hold their meetings in such separate rooms in the city as may be provided by ordinance, and the place of meeting, shall not be changed except by an ordinance, for which two-thirds of the members of each board have voted.

§ 2773. **Journal—publication of proceedings.** Each board shall keep a correct journal of its proceedings, and immediately after the adjournment of each session the proceedings thereof shall be published once in one English and one German daily paper printed in the city and having the largest permanent circulation in said city. Said newspapers shall be selected annually by the general council upon joint *viva voce vote*, or otherwise, as may be fixed by ordinance.

§ 2774. **Ordinances to be published.** All ordinances shall be published in like manner as the proceedings of the general council.

§ 2775. **Public records—copies evidence—judicial notice.** All official papers, proceedings, and records of the former offi-

which the person claims to be a member, and the authority to expel or punish a member is lodged exclusively in that board of which he is a member. Neither the other board nor the general council can punish or expel a member of one of the boards. *Com. v. Hillenbrand*, 96 Ky. 407; 16 R., 485.

§ 2773. (1) **Directory.** This section in so far as it relates to the publication of ordinances is

merely directory. *Reed v. City*, 22 R., 1636.

(2) **Record of board of council.** The city charter requires that each board of the council shall keep a correct journal of its proceedings. How journals are to be kept. *Louisville v. McKegney*, 7 Bush, 651.

§ 2775. (1) **Evidence—judicial notice.** Copies of the journal which each board is required to keep of its proceedings may be

cers and general councils and trustees, and of the present and succeeding officers, general councils, and trustees of the city, under previous charters and under this and succeeding acts, are hereby declared public records, and as such shall be preserved and be entitled to all faith and credit of public records. Official copies thereof may be read in all courts as public records. The courts in this Commonwealth shall take judicial cognizance of the ordinances of the city, and the printed copy officially published by the city may be read as evidence in any trial in which the same may be competent evidence without proof of the due passage and approval of said ordinances. Until the biennial publication of the ordinances of the city, a certified copy from the comptroller's office of an ordinance may be read with the same effect as if it had been officially published.

§ 2776. **Councilmen exempt from jury or military service—privileged.** Members of the general council shall be exempt from serving on juries and from military duty during their term. For anything said in debate they shall not be elsewhere questioned.

§ 2777. **Ordinance—passage—one subject—amendments.** No ordinance shall be passed until it shall have been read in full

used as evidence when attested by the clerk of the respective boards. Copies of ordinances, joint resolutions and other documents, the result of the joint action of the two boards, may be used as evidence when certified by the Mayor. *Barret v. Godshaw*, 12 Bush, 592. And the court will take judicial notice of ordinances. *Gaertner v. Lou. Stone Co.*, 24 R., 940; and see *Woolley v. City*, 24 R., 1357; 105 Ky., 424; 20 R., 1348.

(2) **Notice to citizens and tax-payers.** The proceedings of the general council are public records, and citizens and tax-payers are bound to take notice of them. *Barret v. Godshaw*, 12 Bush, 592. Parties dealing with the corporation through its officers are bound to take the same notice of its laws and ordinances that a citizen of the State has to with reference to its laws. *Murphy v. Louisville*, 9 Bush, 189; *Cray-*

craft v. Selvage, 10 Bush, 696; *Woolley et al. v. Louisville*, 71 S. W., 893; 24 R., 1357.

§ 2777. (1) **Enjoining passage of ordinance.** The passage of ordinances and resolutions concerning the governmental and public affairs of the municipality over which the council has discretionary authority cannot be enjoined; but where the council is by ordinance about to make an illegal disposition of wharf property, equity may enjoin the passage of such ordinance upon the petition of tax-payers. *Roberts v. City of Louisville*, 92 Ky., 95; 13 R., 406.

(2) **Passage of ordinance—sufficiency of title and reading.** *Elliott v. City of Louisville*, 19 R., 414; 101 Ky., 262; and see *Oswald v. Gosnell*, 21 R., 1660.

(3) **Second reading of ordinance** may be dispensed with at the same meeting of the council

in each board and free discussion allowed thereon, and no ordinance shall pass both boards on the same day. No ordinance shall embrace more than one subject, and that shall be expressed in its title. No ordinance shall be altered or amended in any way except by repealing it.

§ 2778. **Propositions to raise money to originate in board of councilmen.** Propositions for raising money must originate in the board of councilmen; but the board of aldermen may propose amendments thereto, as in other propositions, provided it does not, under color of amendment, introduce matter not relating to the subject.

§ 2779. **Member not eligible to office by election of board.** No member of the general council, during the term for which he was chosen, shall be eligible to any office by appointment or by election of said general council, or either branch thereof.

§ 2780. **Officers or agents—ordinance providing for election.** All officers or agents of the city, in any of its departments, not herein required to be otherwise elected or appointed, shall be elected or appointed in such manner as may be prescribed by ordinance.

§ 2781. **Executive and ministerial officers—how removed.** Executive and ministerial officers, unless otherwise provided

at which it had its first reading, although the charter provides that no ordinance shall be passed until it has been read in each board "at two several meetings, unless that provision be suspended by a vote of all the members elect." *Nevin v. Roach*, 86 Ky., 492; 9 R., 819.

(4) **Enacting two ordinances at same time.** Under Kentucky Statutes, section 2777, providing "that no ordinance shall be passed until it shall have been read in full in each board, and free discussion allowed thereon, and no ordinance shall pass both boards on the same day, and no ordinance shall embrace more than one subject, which shall be expressed in its title," we should hesitate to hold, in the absence of an express statutory declaration on the question, that

an ordinance was void for the reason that it was one of two ordinances which were passed by the council at the same time, relating to the same subject, there being no objection thereto by any member of the council. *City v. Gast*, 26 R., 412.

"No ordinance shall embrace more than one subject." *City of Louisville v. Wehmhoff et al.*, 25 R., 995; *City of Paducah v. Ragsdale*, 28 R., 1060.

§ 2781. (1) **Removal of officers.** The cause must be such as constitutes malfeasance or misfeasance in office or renders the offender unfit to discharge his duties. Members of boards of public works and safety can not be removed by the mayor or board of aldermen, except for cause, and after notice and an

in this act, shall be removable by the board of aldermen, sitting as a court, under oath or affirmation, upon charges preferred by the mayor, or any two members of the board of councilmen, and in case of the mayor upon charges preferred by the board of councilmen: *Provided, however,* That any person removed from office under the provisions of this section shall have the right of appeal to the circuit court and from there to the court of appeals, and said appeal to the circuit court shall be taken and tried in the same manner that appeals from the quarterly courts to the circuit court are taken and tried. (*Section as amended by act of March 15, 1900.*)

§ 2782. **Ordinance imposing fine for misdemeanor.** The general council shall have power to pass ordinances imposing fines, not exceeding one hundred dollars, for any designated misdemeanor not provided for by the general laws of the Commonwealth; but in cases where the General Statutes of the Commonwealth impose a fine not exceeding one hundred dollars such fine may be increased by ordinance.

§ 2783. **Power to pass ordinance not in conflict with the Constitution and statutes.** The general council shall have power to pass, for the government of the city, any ordinance not in conflict with the Constitution of the United States, the Constitution of Kentucky, and the statutes thereof.

§ 2783a. **Gas company stock—sale authorized—disposition of proceeds.** 1. That wherever any city of the first class shall own any stock in a gas company carrying on business within its boundaries, the said city shall have the right to sell or dispose of the same upon such terms as may be prescribed by ordinance duly passed by the general council of the said city and approved by its mayor, in the manner that other ordinances are so passed and approved, but said stock shall not be sold for less than par.

2. The proceeds of the sale of any such stock shall be applied, so far as they will suffice for that purpose, to the con-

opportunity to be heard. *Todd v. Dunlap*, 99 Ky., 449; 18 R., 329.

(2) The board of aldermen has power in a proper state of case to remove a municipal officer—a park commissioner. *Gibbs v. Board of Aldermen*, 99 Ky., 490; 18 R., 341.

§ 2783. **General power of legislation.** General council has no general power of legislation. It only has power to pass ordinances and enforce them as mere police regulations. *Dolfinger v. Fishback*, 12 Bush, 474; *City of Louisville v. Gast*, etc., 26 Ky. Law Rep., 412; *City of Louisville v. Wehmhoff*, 25 R., 995.

struction of public sewers, and held and used solely for that purpose, but the purchaser or purchasers of such stock shall not be required to look to the application of the purchase money.

3. The general council may, on such terms and conditions as shall be prescribed by ordinance passed as aforesaid, authorize the mayor of said city to consent, on behalf of the general council, to such amendments to the charter of any such gas company as may be approved by the board of directors of any such gas company, and so as to vest in the said board of directors and stockholders of said company the same power and authority to deal with its charter as the stockholders and directors of any other corporation organized under the law of the State of Kentucky would have. *(This section is an act of March 20, 1902; the numbers of the sub-sections are numbers of sections of the act.)*

SUBDIVISION IV.

Executive Department.

§ 2784. **Mayor and executive boards—election of mayor—term.** The executive power shall be vested in the mayor and in the boards and departments authorized by this act. The mayor shall be elected by the qualified voters of the city on the first Tuesday after the first Monday in November, one thousand eight hundred and ninety-three, and at the regular election every four years thereafter.

§ 2785. **Mayor chief executive—eligibility to office.** The mayor shall be the chief executive officer of the city. Any person shall be eligible to the office who is thirty years of age, and who has been a citizen and resident of the State three years, and a resident of the city for which he may be elected mayor three years next before his election.

§ 2786. **Mayor cannot be interested in contract with city.** No person shall be mayor who is, directly or indirectly, interested in any contract with the city as principal or surety.

§ 2787. **Election for mayor—tie vote—general council to choose.** If two or more candidates for mayor receive the same number of votes, and this number of votes is greater than the number of votes cast for any other candidate, one of them shall be chosen mayor by a vote of the majority of all the members of the general council in joint session, immediately after its organization.

§ 2788. **Vacancy—how filled—mayor pro tem.** When a vacancy shall take place in the office of mayor, a mayor *pro tempore* shall be chosen by the general council, in joint session, by the votes of a majority of the members elected. If the vacancy occur three months or more prior to a regular municipal election, a mayor shall be chosen for the unexpired term at the said election. If the vacancy occur within three months, the mayor pro tempore chosen by the general council shall serve until the regular election for mayor. It shall be the duty of the president of the board of aldermen to issue his proclamation for such joint session, to be held not less than ten nor more than twenty days after such vacancy shall take place. Until the vacancy is filled, the president of the board of aldermen shall act as mayor.

§ 2789. **Absence or disability of mayor—who to act—compensation.** Should the mayor be temporarily absent or unable to discharge his duties, his office shall be administered by the president of the board of aldermen, who shall continue to discharge the duties of the office during the continuance of the disability or the absence of the mayor. His compensation shall be determined by the general council, but shall not exceed the rate allowed the mayor, and the sum so paid may be deducted in whole or in part from the salary of the mayor, or as the general council may determine.

§ 2790. **When mayor to take office.** The mayor shall take office on the second Tuesday after the first Monday in November succeeding his election.

§ 2791. **Duties to be performed by mayor.** It shall be the duty of the mayor:

§ 2788. (1) **Vacancy—how and when filled.** When a vacancy occurs in the office of mayor, and is filled as provided in this section by the council, three months before a regular election is held, the vacancy must be filled at said election, although only Presidential electors are to be chosen, and no municipal officers. Todd v. Johnson, 99 Ky., 548; 18 R., 354; and this rule applies to all elective municipal offices in which a vacancy occurs more than three months before a regular election. Shelley v. McCul-

lough, 97 Ky., 164; 17 R., 53; but see notes to sec. 152, Con.

(2) Election to fill a vacancy may be held on the same day as a congressional election, and also at a regular election at which no other municipal officers are to be chosen. Shelley v. McCullough, 97 Ky., 164; 17 R., 53; but see notes to Con., sec. 152.

§ 2791. **Power to make contracts for city.** The mayor can not, as a general rule, employ counsel to represent the city in a litigation. Owensboro v. Weir,

1. To be vigilant and active in causing the ordinances of the city and the laws of the State to be executed and enforced.

2. To communicate to the general council, at least once a year, a statement of the finances and general condition of the affairs of the city, and also such information in relation to the same as either branch of the general council may, from time to time, require.

3. To recommend by message, in writing, to the general council all such measures connected with the affairs of the city as he shall deem expedient.

4. To fill, with the consent of the board of aldermen, all vacancies in executive and ministerial offices not herein otherwise provided for.

§ 2792. **Appointment and removal of mayor's clerk.** The mayor may appoint his own clerk and remove him at pleasure.

§ 2793. **Supervision over executive and ministerial officers.** He shall exercise a general supervision over all the executive and ministerial officers of the city, and see that their official duties are honestly performed. He may require from them statements in writing concerning the discharge of their duties.

§ 2794. **Removal of officials appointed by mayor.** He may, by a written order, giving his reasons therefor, remove from office any head of a department, director, or other officer appointed by him. A copy of said order shall be sent to the board of aldermen at its next meeting. Unless such order be disapproved by the board of aldermen within thirty days, said order shall stand.

95 Ky., 158; 15 R., 506. But cases of emergency may arise where the power must necessarily exist. *Louisville v. Murphy*, 86 Ky., 53; 9 R., 310.

§ 2794. **Removal from office.** This section does not invest the mayor with arbitrary power to remove officers—appointed for a definite term—without notice or an opportunity to be heard. *Todd v. Dunlap*, 99 Ky., 449; 18 R., 329.

§ 2795. (1) **Return of ordinance** by mayor to correct an er-

ror in its passage is not a veto message in meaning of this section. *Oswald v. Gosnell*, 21 R., 1660.

(2) **Right to adjourn general council.** Under the old charter of Louisville the mayor had the right to adjourn the general council only when the two boards, being in joint session, could not agree on an adjournment; and in such case the mayor must adjourn both boards and not merely one of them. *Tillman v. Otter*, 93 Ky., 600; 14 R., 586.

§ 2795. **Ordinances and resolutions to be presented to mayor—vetoes—withholding.** Except a resolution to adjourn, every proposed ordinance or joint resolution which has passed the general council shall be presented to the mayor, and if he approve it he shall sign it, and then it shall be obligatory; but if he disapprove it, he shall return it, with his objections in writing, to the board in which it originated, and said board shall then reconsider the same, and if two-thirds of the members-elect concur in adopting it again, it shall be sent, with the mayor's objections, to the other board, where it shall also be reconsidered, and if again passed by the votes of two-thirds of its members, it shall be obligatory; but in such cases the votes in each board shall be taken by yeas and nays and recorded in the journal. Should the mayor withhold a proposed ordinance or resolution beyond the day for the next regular meeting, and the general council actually meet, if three days have intervened between the presentation to the mayor and said meeting, it shall be obligatory as if signed.

§ 2796. **Appropriation bills—disapproval of items.** The mayor may disapprove of any item or items of any bill making appropriations and the part or parts of the bill approved shall be the law, and the item or items disapproved shall be void, unless repassed according to the rules and limitations prescribed by law for the passage of bills over the mayor's veto.

§ 2797. **Appointment of persons to examine departments and offices.** The mayor shall, as often as he may think proper, appoint not more than three competent persons to examine, without notice, the affairs and accounts of any city department, trustee, officer, or employe, and the money, securities, and property belonging to the city in the possession or charge of such department, trustee, officer, or employe, and report to him the result of such investigation.

§ 2798. **General council may be convened at any time.** The mayor may convene the general council at any time.

§ 2799. **Power to administer oaths.** The mayor shall have the same power to administer oaths or affirmations that justices of the peace and other judicial officers of this Commonwealth have.

§ 2800. **Salary, five thousand dollars.** The mayor shall receive a salary of five thousand dollars a year.

§ 2801. **Power to appoint city buyer—approval of purchases.** The mayor shall have power, with the approval of the board of aldermen, to appoint a city buyer, whose duty it shall be to purchase all articles needed by the city in its several departments. All purchases made by him shall be approved by the mayor if the amount to be expended be under two thousand dollars, or by the general council and the mayor if the amount exceed two thousand dollars. He shall report each day to the comptroller the purchases made by him.

§ 2801a. **Public library—mayor may arrange to provide.** That the mayor, with the consent of the general council, may by contract, enter into an arrangement for a period not exceeding five years, and renew the same from time to time thereafter, with the association or corporation owning or controlling an existing library in any such city, which contains not less than fifty thousand volumes, to the end that such library shall be free and open to the public, and all persons residing or sojourning in any such city, at all reasonable times and under proper and reasonable regulations (except that it may be closed on Sunday, if deemed proper by such association or corporation). In said contract it shall be provided that such library shall, during the period thereby covered, be open and free to the general public as aforesaid, the uses, privileges, and facilities thereof, subject to the reasonable and proper direction and regulation of its governing body, being equal and free to all persons applying therefor; that it shall be non-sectarian, and be so conducted, and its reading room or rooms and its circulating department shall be maintained free and open to the general public.

2. **Tax levy for library purposes—reports concerning to mayor.** As consideration for such public use, such city shall annually in its annual ordinance fixing the tax rate include a levy for library purposes not exceeding two cents on each one hundred dollars' worth of property assessed for taxation for city purposes, and the amount levied as above shall annually be passed to the credit of the library fund upon the books of said city, and the said amounts as collected shall be paid over to the association or corporation aforesaid, by the treasurer in regular weekly installments, the first payment to be made within one week after the collection of the said amount shall have been commenced, and the other payments to be made weekly thereafter in current money by the said treasurer as collected; all money so received by such association or corporation shall be used in conducting and maintaining said library

for the public purposes aforesaid and for none other. Said corporation or association shall annually, in the month of September, make a report to the mayor, showing statistics covering the attendance at and the use of the books of the library, the receipts and expenditures of all moneys handled by it during the year, and such other information as may bear upon the usefulness of said library to the public. (*This section is an act of March 15, 1898; the numbers of the subsections are the numbers of the sections of the act; the last section of the act will be found in section 2981.*)

§ 2801b. **Free library may be established.** That any city of the first class may establish and maintain within its corporate limits a free public library, with circulating and reference departments and reading rooms, or any of them, for the use and benefit of the residents thereof, with such branches and stations as the board of trustees, hereinafter provided, may, from time to time, deem proper or necessary. All the uses and privileges of such library shall forever be free and equal to all residents of such city, subject only to the rules and regulations established by the board of trustees. But said board may extend the privilege and use of such library and reading rooms to persons residing outside of such city, upon such terms and conditions as said board may, from time to time, by its regulations, prescribe.

2. **Act becomes operative when council so ordains.** The general council of any such city may, by ordinance, signify its purpose or intent to establish a free library under the provisions of this act, and, when it shall have so ordained or resolved, the said city shall thereafter be treated as having exercised its discretion to establish such library, and the consequent provisions of this act shall then become operative.

3. **Trustees to be appointed by mayor—term—qualifications—title—powers—vacancies—oath.** The mayor of any such city shall, as soon as practicable after the passage of this ordinance, name twelve trustees, three for a term of one year, three for a term of two years, three for a term of three years, and three for a term of four years; and shall thereafter, in the month of each succeeding year corresponding to the month in which the first appointments are made, in the same manner nominate three trustees for a term of four years. No person shall be eligible to the office of trustee who is not, at the time of his selection, a taxpayer and qualified voter in the city and has not resided therein for two years prior to his selection, and

no salary or other compensation shall ever be paid to or received by such trustee for the performance of the duties of his office. The said twelve trustees, together with the mayor of said city, who shall be a trustee by virtue of his office, shall constitute and be styled the Board of Trustees of the Free Public Library, and by said title shall be a corporation with power to make such rules and regulations to govern itself, and for the control, management and use of the property entrusted to its care as it may be deemed proper, not, however, in conflict with this act, or with the Constitution or laws of this State or of the United States, with power to contract and be contracted with, sue and be sued, defend and be defended in all courts, to acquire by gift, purchase or otherwise, and to hold real and personal property to the use of the public library, for the purpose and intent for which the same may be granted or dedicated; to use, manage and improve, sell and convey, rent or lease property; to erect suitable building or buildings; to have a common seal and change it at pleasure, and to act with or without a seal. Vacancies in the office of trustee shall be reported by the board to the mayor, and shall be filled in like manner as the original appointments. The said trustees shall before entering upon the duties of their office, make oath or affirmation before some judicial officer of this Commonwealth to discharge the duties enjoined on them.

4 Meetings—limit of liabilities—officers. The board shall meet once each month, and oftener if necessary, for transaction of its business. A majority of the board shall constitute a quorum, but no appropriation of money, except for ordinary or current expenditures, shall be made unless upon the affirmative vote of a majority of its members. Except for the purpose of erecting a library building, the board of trustees shall not incur liabilities for any current year in excess of its annual income, including gifts and donations and unexpended balances from previous years. The board shall, at the first meeting after the selection of its members, and annually thereafter, select out of their number a president and vice-president, whose duties shall be prescribed by its rules and regulations, and it may choose a secretary and treasurer and such other officers, agents, and servants as it may deem proper and necessary, and may prescribe the duties required of them, fix their compensation, and may remove its appointees at pleasure.

5. Money—where deposited and how drawn out. All moneys due the board shall be deposited in some chartered bank in said city, to be selected by it and funds shall be withdrawn

from said bank only on order of the board by check of its treasurer, countersigned by its president, or by its vice-president when acting in his stead.

6. Tax—amount that may be levied—payment of—reports by trustees. To raise money for the establishment and maintenance of the library, the general council shall annually, in its levy ordinance, cause to be levied and collected a tax of not less than two and one-half cents or more than four cents on each one hundred dollars' worth of property assessed for taxation for city purposes. Upon the completion of assessment of property for taxation the amount levied as above shall, annually, be passed to the credit of the library fund upon the books of the city treasurer, and the said amount, as collected, shall be paid over to the board of trustees by the city treasurer in regular weekly installments, the first payment to be made within one week after the collection of said amount shall have begun, and the other payments to be made weekly thereafter, in current money, by said treasurer, as collected. The board shall annually, in the month of September, make a report to the general council, showing the use of the library for the fiscal year ending the last day of August preceding, the receipts and expenditures of all moneys handled by it during the year, and giving such other information as may promote the usefulness of said library to the public or may be called for by the general council. No portion of the property or fund held or raised for library purposes shall ever be applied to the support of any library not exclusively under the control and management of the board of trustees as herein provided.

7. Property may be accepted by trustees. The board of trustees may accept such gifts and donations of property, real and personal, to be used for the purposes contemplated by this act, upon such terms and conditions not in conflict with the Constitution and laws of this Commonwealth, as may be agreed upon by the said board of trustees, of the one part, and the donor, of the other part, and the title of the property, as may be so given or donated, shall be vested in such board of trustees, and the city wherein such library may be situated may be a party to any deed or instrument of transfer for the purpose of carrying out such arrangement pertaining thereto as it may lawfully make; and for the purpose of acquiring all property of other corporations, or libraries, or societies, as may by contract or agreement under it be transferred from such library or association to it.

8. **Penalty for injuring library property.** The general council of such city shall have power to pass such ordinances imposing suitable penalties for the punishment of persons committing injury to the library, or upon the grounds or other property thereof, or may be guilty of disorderly conduct in or about the premises of the said library, and for injury to or failure to return any books belonging to said library, under its rules and regulations, as the board of trustees may recommend.

All acts and parts of acts in conflict with this act are hereby repealed. (*This section is an act of March 21, 1902; the numbers of the subsections are the numbers of the sections of the act.*)

SUBDIVISION V.

Executive Boards.

§ 2802. **Boards of Public Works and Safety—appointment—qualifications.** The following executive boards are hereby established in said cities: A Board of Public Works and a Board of Public Safety. The members of said boards shall be appointed by the mayor, in the month of December succeeding the election of the mayor, and the members of the boards so appointed shall be removable at any time at the pleasure of the mayor so appointing them, or of any of his successors in office, but not by any officer who may merely for the time be filling the office of mayor in the absence or under the temporary disability of the regularly elected or appointed mayor. The members of said boards shall have the same qualifications as members of the general council. No member or officer of the general council shall be eligible to membership in either of said boards. The first members of said boards shall be appointed by the mayor, as soon as practicable after the passage of this act, and the present boards shall cease to exist, and the terms of office of the present members shall cease and determine immediately upon the passage of this act, and the appointment of their successors, and all the powers and obligations and duties now vested in the present executive boards, together with all rights of action, shall immediately vest in the boards hereby created and the members appointed by vir-

§ 2802. **Executive boards—** members of are municipal officers within the meaning of section 161 of the Constitution, and

when their compensation is fixed it can not be changed during their term. *City of Louisville v. Wilson*, 99 Ky., 598; 18 R., 427.

tue of this act, the same as though the aforesaid section forty had not been repealed. (*Section as amended by act of March 9, 1904.*)

§ 2803. **Power to prescribe rules—books, records and property—indexes.** Each board shall have power to prescribe rules, not inconsistent with any statute or ordinance, regulating its own proceedings and the conduct of its officers, clerks and employes, the distribution and performance of its business, and the preservation of the books, records, papers, and property under its control. No extra compensation shall be allowed any person for indexing its records.

§ 2804. **Business to be transacted at office—journal of proceedings.** All official business of the several boards shall be transacted at the offices thereof, and a continuous indexed record or minute shall be kept at such offices respectively of such business. Each board shall cause a full journal of its proceedings to be kept, and shall also cause all its receipts and disbursements to be faithfully entered in books to be kept for that purpose.

§ 2805. **Chairman—election—place of meeting.** Each board shall elect one of the members chairman, and shall make rules governing the time and place for holding regular and called meetings.

§ 2806. **Member can only act by authority of board.** No member of either board shall have any power to act on behalf of the same, except pursuant to an order of the board regularly made at a meeting at which a majority of said board shall have been present.

§ 2807. **Members may take part in proceedings of general council.** The members of said boards shall have seats in the general council, and be entitled to take part in the proceedings and deliberations thereof on all matters under their charge, subject to such rules as the general council shall, from time to time, prescribe, but without the right on the part of the members of said boards to vote. One member of each board may be compelled to attend every meeting of the general council.

§ 2804. The requirement of this section that all official business of the several boards of the city shall appear of record while

mandatory as to the boards, is directory merely so far as affects the rights of others. *Richardson v. Mehler*, 111 Ky., 408.

§ 2808. **Power to administer oaths.** The members of said boards shall have power to administer oaths.

§ 2809. **Employment of officers and agents—compensation.** Said board shall have the right to employ such officers and agents as may be necessary, and, subject to such limitations as the general council may prescribe, may fix the compensation of such officers and agents.

§ 2810. **Chief of department—appointment and removal of officers and employes—city engineer and assistants—examinations—salary.** Each of said boards may appoint and, at pleasure, remove a chief of each department under its control. The board of public works shall have the power to appoint a chief engineer for the city and such subordinate engineers as may be necessary: *Provided*, That all applicants for the position of chief engineer shall first be examined by a board of three competent civil engineers, to be elected by the general council, and that no applicant who fails to pass an examination satisfactory to said board of examiners shall be eligible to the office of chief engineer, and no person shall hold the position of chief engineer until he shall have first passed said examination. In all cases where the examination is made in writing, all the papers shall be filed of public record with the secretary of the board of public works. The general council shall have the power to fix the compensation of the said board of examiners: *Provided, further*, That no person employed in the capacity of civil engineer, deputy, or any other capacity, under the board of public works, or in the capacity of civil engineer under the employment of the city government, except the chief engineer above provided for, shall receive a salary in excess of one thousand five hundred dollars per annum. Subordinate officers and employes may be removed or punished by the board on the recommendation of the chief of the department concerned for cause, subject to such regulations as may be prescribed by ordinance or by the board. The cause for the removal of any subordinate as aforesaid must be stated in writing, and be transmitted to the board, and the

§ 2809. **Municipal officers—who are within the meaning of** section 161 of the Constitution, which provides that the salaries of municipal officers shall not be changed during their term. See *City of Louisville v. Wilson*, 99

Ky., 598; 18 R., 427; and see *Lowry v. City*, 24 R., 516.

§ 2810. **Removal of officers.** See *Parsons v. Breed*, 31 R., 1136; 104 S. W., 766.

board may, in its discretion, retain or dismiss such subordinate. No officer or employe shall be removed for political causes. Interference in elections, electioneering, or canvassing for any officer or employe of said board shall be cause for instant removal. (*Section as amended by act of February 9, 1894.*)

§ 2811. **Officers and employes not to receive perquisites.** No officer or employe of said boards, except the regular police of the city, shall receive for his own use, directly or indirectly, any fees, perquisites, commissions, percentages, or money paid to him in his official capacity, but all fees, perquisites, commissions, percentages, and money paid to and received by or for any such officer or person shall be the property of the city, and shall be paid by or for him to the city treasurer.

§ 2812. **Officers and employes to account for fees received.** Any officer, except policeman, or person in the employment of said boards, who shall receive any fees, perquisites, or other things of value belonging to the said city, shall before receiving his salary or compensation, make, under oath, a detailed statement, and shall report to the chairman of his board, in such form as may be prescribed, the aggregate amount of all such receipts since the last preceding statement; and he shall deposit with the said board all such fees, perquisites, percentages, or other things of value due to said city as aforesaid.

§ 2813. **Officers to make statements and returns.** Said boards, or any member thereof, may require the officers or persons employed by said boards to make such statements and returns, if they be not made as herein provided, and may examine such officers or persons under oath touching the matters herein provided for.

§ 2814. **Reference of disputes to mayor.** Whenever there is any dispute as to the powers or duties of said boards, or the officers thereof, the matter may be referred by either of them to the mayor, who shall examine and determine the question involved, and his decision shall be final as between said boards or said officers.

§ 2815. **Annual report to be submitted to mayor.** It shall be the duty of each of said boards, annually, to submit to the mayor a minute report on all things under its control, with an estimate of the amount of money required for its departments for the ensuing fiscal year, stating with as great particularity as possible, each item thereof. Said report shall be transmitted

by the mayor to the general council for consideration and for appropriate action, with such recommendations as he may think proper.

§ 2816. **Taxes collected and carried to credit of executive boards.** It shall be the duty of the mayor and the general council, in their annual levy of taxes, to make such levy as, in their judgment, shall be necessary and advisable, and the amount so levied shall be collected and carried to the credit of the said executive boards, respectively, and shall not be diverted from said boards, or used by the mayor and general council for any other purpose; but the same shall remain as a separate fund in the hands of the treasurer of the city. Said boards shall not divert the tax levy of the mayor and general council from the purposes of the departments for which it was levied.

§ 2817. **Written contracts—how to be executed.** Whenever any contract is made by either board, it shall be executed under the seal of the corporation, and be filed in the office of the board, and a copy of said contract shall be transmitted to the comptroller.

§ 2818. **Members not to be interested in contract made by board.** No member, officer, or employe of either board shall be directly or indirectly interested in any contract, or work of any kind whatever done under its direction; and any contract for work or material, in which any such person shall be so interested, shall be void.

§ 2819. **Money—upon what conditions paid out.** No money shall be paid at any time to any person claiming under a contract with the board until such person shall have first filed with the board his statement, under oath, disclosing the names of persons directly or indirectly interested in the contract, or the profits thereof, declaring that no persons other than those named are interested, and that no person forbidden by this act has any interest in the same.

§ 2820. **Power to bind city, confined to amount appropriated.** No executive board, officer or employe thereof shall

§ 2817. **Contracts—how executed.** A contract signed by the mayor as such, and having the seal of the city attached, is properly executed. *Fehler v. Gosnell*, 99 Ky., 380; R., 238.

§ 2820. (1) **Amount and appropriation or provision for payment.** Under Ky. Stat., sec. 2820, providing that the executive boards of cities of the first class and their officers shall not have

have power to bind the city by any contract or agreement, or in any other way, to any extent beyond the amount of money at the time already appropriated by ordinance for the purpose of the department under the control of said board; and all contracts or agreements, express or implied, and all obligations of any and every sort, beyond such existing appropriations, are declared to be absolutely void.

§ 2821. **Liability for attempt to bind city beyond amount appropriated.** Any city official who shall issue any bond, certificate, or warrant for the payment of money upon the city beyond the unexpended balance of any appropriation made for such purpose, or who shall attempt to bind the city by contract, agreement, or in any other way, to any extent beyond the amount of money at the time already appropriated by ordinance for such purpose and remaining at the time unexpended, shall be liable to any person injured thereby, and shall be fined in a sum not more than one thousand dollars, or imprisoned in the county jail not more than six months, or both so fined and imprisoned.

§ 2822. **Contracts for expenditures—how approved.** Whenever it becomes necessary for either of said boards to make an expenditure by contract, written or oral, of an amount less than two thousand dollars, said contract must be made with the approval of the mayor unless otherwise provided by ordinance. When the expenditure is to exceed two thousand dollars, the contract shall not be made without the approval of the mayor and the general council. If supplies and other forms

power to bind the city to any extent beyond the amount of money at the time "already appropriated" by ordinance for the purpose of the department under the control of said board, a levy ordinance which, in subdividing the tax rate, designates a certain part of it "for street repairs," constitutes an appropriation of that part of the tax rate for the purpose designated. *City of Louisville v. Gosnell*, 60 S. W., 411; 22 Ky. Law Rep., 1524.

(2) Under Ky. St. sec. 2820, providing that the executive boards of cities of the first class and their officers shall not have

power to bind the city to any extent beyond the amount of money at the time "already appropriated" by ordinance for the purpose of the department under the control of said board, where a part of the contract price of the original construction of a street was intended to cover future repairs the contractor was entitled to recover of the city that part of the price to be paid out of the appropriation for street repairs, no more specific appropriation being necessary. *City of Louisville v. Gosnell*, 61 S. W., 476; 22 Ky. Law Rep., 1524.

of personal property are to be purchased, they shall be purchased by the city buyer, subject to the provisions of this act.

§ 2823. **Real estate purchased by mayor for use of board.** Real estate may be purchased by the mayor, when requested to do so by either of said boards for the use thereof, if the purchase price does not exceed two thousand dollars. If the purchase price exceeds said sum, he shall not purchase said real estate without the consent of the general council.

SUBDIVISION VI.

Board of Public Works.

§ 2824. **Board to consist of three members—salary.** The board of public works shall consist of three members. Each member of said board shall receive a salary of not less than twenty-five hundred dollars.

§ 2825. **Control of public ways and property—lighting streets and public places.** The board of public works shall have exclusive control over the construction, reconstruction, cleaning, repairing, platting, grading, improving, sprinkling,

§ 2824. See notes to secs, 2802, 2781.

§ 2825. **Corporation** in existence when Constitution was adopted and that had theretofore, for many years, been laying its mains in the city, may continue to do so without getting the consent of the board of public works. *City v. Lou. Water Co.*, 20 R., 1529; 105 Ky., 754.

In case No. 57774, *Jefferson Circuit Court, L. & N. R. R. Co. v. City of Louisville*, the Circuit Court granted a temporary injunction enjoining the city from constructing Roberta avenue according to plans and specifications on the theory that the grade as established was unreasonable and that great damage would likely occur to the traveling public. The Appellate Court on motion dissolved the

temporary injunction holding that courts had no power to interfere with the Board of Works as to the manner in which streets should be constructed. Judges Carroll, Nunn, Hobson, Settle and O'Rear heard the motion and concurred in dissolving the temporary injunction.

A city is not liable to a property owner on account of obstructions placed in a street and sidewalk by an adjoining property owner when reasonably necessary to the construction of a building. In this case a groceryman claimed that he had lost customers by reason of the obstructions. *Button v. City of Louisville*, 118 S. W., 977.

Where a city permits a property owner to use a portion of a street in erecting a building the city must use ordinary care to see that proper warnings are

lighting and using of all streets, alleys, avenues, lanes, market-houses, bridges, sewers, drains, wells, cisterns, ditches, culverts, canals, streams and water-courses, sidewalks, curbing and the lighting of public places.

§ 2826. **Improvements to be directed by ordinance—plats and maps to be recorded.** No public way shall be opened, widened, narrowed, closed or constructed, and no sidewalk shall be constructed or reconstructed, and no public wells and

given to pedestrians to avoid injuring them. *Grider v. Jefferson Realty Co.*, 116 S. W., 691.

Where a plank over a culvert has from long use and lack of repair rotted away, the city is presumed to have knowledge of the fact and actual notice is unnecessary. *City of Louisville v. Lambert*, 116 S. W., 261.

A tax-payer has the right by mandamus to compel the Board of Works to offer for sale a franchise created by the General Council whenever the board was ordered to make the same, and when he, as a citizen, is interested in having the franchise put into operation. *Louisville Home Telephone v. City of Louisville*, 113 S. W., 855.

An existing franchise may be modified by the sale of another by the city to the holder of the first franchise, where such modification is necessary to secure efficient public service and it can not be said that an indebtedness to the municipality is thereby released. *Id.*

(2) **Street sprinkling.** The sprinkling of city streets, being necessary to preserve the public health and comfort, is a public purpose; and hence an ordinance levying a tax for street sprinkling purposes is not unconstitutional, under Const., sec. 171, providing that taxes shall be levied and collected for public purposes only. *Maydwell v. City of Louisville*, 76 S. W., 1091; 25 Ky. Law Rep., 1062; 63 L. R. A., 655.

§ 2826. (1) **Construction and effect of section.** *Richardson v. Mehler*, 23 R., 917; *Barber Asphalt Co. v. Gaar*, 24 R., 227.

(2) **Public way**—can not be closed by city without legislative authority. *City v. Bannon*, 18 R., 10; 99 Ky., 74.

(3) **Necessity for consent of owners of property affected.** The charter of the city of Louisville provides for the closing up of any of its streets, dividing any of the squares or lots thereof, by an action by the city against all the owners of ground on the square or lot, and authorizes the court to decree the closing if all such shall consent, or if satisfied that it will be beneficial to the city, and not injurious to any of such landowners not consenting. In an action to close up the eastern end of a street, in a square on which appellants owned land and lived, it appeared that in order to go east, where the center of trade lay, they would first have to go west to the next street, then north or south to another street, thence east. **Held**, that the court had no authority to close the street without the owners' consent, as it would be depriving them of their property without due process of law. *Gargan v. Louisville, N. A. & C. Ry. Co.*, 89 Ky., 212; 12 S. W., 259; 11 Ky. Law Rep., 489; 6 L. R. A., 340.

cisterns shall be dug and walled, except by ordinance recommended by the board of public works.

Hereafter no plat or map laying out or offering for dedication any public way or easement in the territory within the limits of the city or within three miles of the said limits as then existing, shall be received for record by, or be recorded in the office of, the clerk of the county court of the county, except upon the conditions hereinafter named; and if the description of any deed, lease, mortgage or bonds for titles to land within said territory refers to or is based upon any map or plat not now recorded or described the land as binding upon any street, avenue, alley or other public way proposed or offered for dedication, immediately, or in the future, for the use of the public, and the purchaser, lessee, or mortgagee, said instrument or writing shall not be received for record by, or be recorded in the office of, the clerk of said court except upon the following conditions namely:

(a) Whenever any person desires to lay out or offer for dedication, by a recorded plat, any such public way or easement within the city limits, he shall file with the Board of Public Works a topographical map or plat of the territory bounded or intersected or immediately adjacent to said proposed public way or easement showing the levels of said land and the proposed names, nature and dimensions of the said public way or easement proposed or offered for dedication; and, if said board think such proposed dedication of said public way or other easement would be beneficial to the public interests and suitable for the immediate or future acceptance of the city, said board shall approve the said map or plat and the chairman or secretary of said board shall subscribe a certificate of approval on said map and acknowledge the execution thereof before any officer authorized to take an acknowledgement to deeds; and thereupon said map or plat may be received for record, by and be recorded in the office of the clerk of the county court.

If said board refuse to approve said map or plat in thirty days, the person offering the same may file a petition in the circuit court of the county against the city, stating the facts and filing a copy of said map or plat and said suit shall begin and proceed and be tried as a civil action in equity, and if the court, at the hearing believe that the plaintiff has shown that said proposed dedication would be beneficial to the public interest and suitable for the immediate or future acceptance of the city, the court shall order said map or plat to be received by the clerk of the county court for record in his office when

the legal fees for recording the same have been paid or tendered.

(b) Whenever any person desires to lay out or offer for dedication, by a recorded plat, any such public way or other easement outside the limits of the city, but within three miles thereof, he shall file a like topographical map with the Board of Public Works and also with the judge of the county court and if said board and said judge think such proposed dedication would be beneficial to the public interests and suitable for the immediate or future acceptance of the city when its boundaries embrace said land said board and said county judge shall approve said map or plat in the manner above provided and said map or plat shall be received for record by and be recorded in the office of, the clerk of the county court upon the payment of the legal fees therefor.

If said board or said county judge refuse for thirty days to approve said map or plat, the person offering the same shall have the right to take a like appeal to the circuit court as provided for above.

The mere approval of such map or plat by the Board of Public Works or the county judge shall not be treated or held as of itself an acceptance of such an offer of dedication by the public authorities of the city or county, but when said public authorities are ready to accept or improve the public ways or other easement, in the territory covered by said map or plat, they shall be accepted or improved in conformity with said map or plat.

Any person who shall lodge for record in the county clerk's office and any county clerk or deputy of the county clerk, who shall receive for record or permit to be lodged for record, any plat or map or deed or other instrument contrary to the provisions of this act shall be guilty of a misdemeanor and be fined not less than twenty-five dollars and not more than one hundred dollars for each offense. (*As amended by act approved March, 1906.*)

§ 2827. **Public buildings—supervision and control of.** Said board shall have supervision and control over the construction, repairing, cleaning, lighting, and heating of all public buildings, and over all public improvements of the city.

§ 2828. **Estimate of cost of work and material.** Whenever any work is to be done by the employees of the board, a careful estimate shall be made of the cost of such work or material, and said estimate in writing, shall be at once placed on file with the records of said board.

§ 2829. **Contracts — specifications — publication for proposals—acceptance of bids.** Whenever said board shall order any work to be done which, either by order of said board or according to law, is to be performed by independent contract, said board shall prepare and place on file in the office of said department complete drawings and specifications of said work. Thereupon said board shall cause a notice to be published in one daily or weekly newspaper of general circulation published in said city, once in each week for two weeks, informing the public of the general nature of the work, of the fact that the drawings and specifications are on file in said office, and of the nature and extent of the bond or security required, and calling for sealed proposals for said work by a day not earlier than ten days after the first of said publications. The board may, in its discretion, fix a later day for receiving said sealed proposals, provided such date shall be mentioned in each of said notices. Said board shall let said contract to the lowest and best bidder, which contract shall be subject to the approval of the general council. Said board shall have the power to reject any and all bids. (*Section as amended by act of March, 1906.*)

§ 2830. **Alteration in plans and specifications.** When, in the opinion of the board, it shall become necessary, in the prose-

§ 2829. (1) **Presumption** that officers did their duty under this section in placing on file requisite drawings and specifications. *Henning v. Stengel*, 23 R., 1793.

(2) **Sufficiency of notice—waiver.** After contract let and work performed it is too late to reply on technical objections to the notice. *Fehler v. Gosnell*, 99 Ky., 380; 18 R., 238; and see note (3) to sec. 2834.

(3) **Plans and specifications.** Under Ky. St., sec. 2829, requiring the board of public works of a city of the first class, before advertising for bids, to prepare and place on file complete drawings and specifications of the work, it is sufficient for the city engineer or his assistant to prepare such drawings and specifications, and file them in his office, pursuant to the course of business prescribed by the board,

which is authorized to appoint such engineers and other agents as may be necessary, and to prescribe rules for the conduct of its officers, and for the distribution of its business, and the preservation of the books and papers under its control. *Barret v. Falls City Artificial Stone Co.*, 52 S. W., 947, 21 Ky. Law Rep., 669.

The Board of Works is not bound to accept the lowest bid made but, in the absence of fraud, may take into consideration other things than mere price. *Louisville Steam Forge Co. v. Gast*, 115 S. W., 761.

§ 2830. **Effect of non-performance or defective performance of contract.** Ky. St. 1899, sec. 2830, provides that when, in the opinion of the board of public works, it becomes necessary to make any

cution of any work, to make alterations or modifications in the specifications or plans of a contract, such alteration or modification shall be made only by order of the board, and such order shall be of no effect until the price to be paid for the same shall be agreed upon in writing, and signed by the contractor and approved by the board.

§ 2831. **Condemnation of property for municipal purposes.** Whenever property shall be needed for appropriate municipal purposes, either within the boundaries of the city or the county, the board of public works may, with the consent of the mayor, if the amount be under two thousand dollars, order the condemnation of such property; and if the amount be over two thousand dollars may, with the consent of the mayor and the general council, order the condemnation of such property. The proceedings for the condemnation of property for

alterations in the specifications of a contract, the alteration shall be made only by order of the board, and that it shall be of no effect until the price to be paid for the same shall be agreed upon in writing. **Held**, that where a railroad crossed at an acute angle a street which was being improved, and, by agreement between the board of public works and the railroads, the crossing was constructed by the railroad, at its expense, at right angles, and the only change in the contractor's work was in the slight deflection in the carriageway from a straight line, there was nothing to defeat the improvement lien. *Orth v. B. B. Park & Co.*, 79 S. W., 206; 25 Ky. Law Rep., 1910; *B. B. Park & Co. v. City of Louisville*, Id.; *Louisville & N. R. Co. v. B. B. Park & Co.*, Id. Rehearing denied *Same v. Park*, 80 S. W., 1108; 26 Ky. Law Rep., 184.

§ 2831. The city of Louisville has the power under this section to condemn land for streets and highways. *Louisville & Nashville R. R. Co. v. City of Louisville*, 114 S. W., 742, and may condemn the right of way of a

railroad to the extent of causing the street to cross over the right of way where such crossing does not unreasonably impair the use of the right of way for railroad purposes. *Id.*

The question of necessity of condemning property for a public use is a legislative one which the court will not review, except in rare cases; and where the land is sought for a public street, the fact that a particular individual will obtain a special benefit is no defense to the action. *Id.*

The measure of damages where a railroad right of way is condemned for a street crossing is the diminution in the value of the right of way caused by the additional user. The railroad company is not entitled to compensation for the land taken (as none is taken) nor to compensation for maintaining gates and flagmen, or for the increased danger from accident; or for constructing or maintaining the crossing; nor for damages caused by an improper construction of the work, a separate action being maintainable for this last item. *Id.* See same case on second appeal, 122 S. W., 849.

such purposes shall be instituted and prosecuted in the name of the city, by the city attorney, as provided in this act for the condemnation of property for park purposes." (*As amended by act of March 24, 1904.*)

SUBDIVISION. VII.

Public Ways.

§ 2832. **Public ways—improvements—meaning of terms.** Public ways, as used in this act, shall mean all public streets, alleys, sidewalks, roads, lanes, avenues, highways, and thor-

§ 2832. (1) **Adverse possession of street.** If a person has been permitted to remain in the continued actual adverse possession of a street or part of a street, for a period of fifteen years, he will be vested with the complete title to the ground actually occupied by him. Cornwall v. L. & N. R. R. Co., 87 Ky., 72; 9 R., 924. Possession, however, since the General Statutes, does not become adverse until the municipal corporation has been notified that it is so intruded. See sec. 2546 and notes.

(2) **Closing streets and alleys.** The Legislature has no power to pass an act closing either the whole or part of an alley without the consent of abutting lot owners. Bannon v. Rohmeiser, 90 Ky., 48; 11 R., 987. City can not close one end of a street without making compensation to the owner of the property bordering on the street who is thereby deprived of convenient access to other streets. Gargan v. L., N. A. & C. Ry. Co., 89 Ky., 212; 11 R., 489. Nor can an alley which is a public way be closed against the will of the persons owning lots in the square through which the alley runs and who have an easement over it unless it is closed for or on account of some public use. City

of Louisville v. Bannon, 99 Ky., 74; 18 R., 10; Martin v. City of Louisville, 97 Ky., 30; 16 R., 786. A resolution of the Louisville city council, vacating an alley over which abutting owners have a right of way is void. Rohmeiser v. Bannon (Ky.) 22 S. W., 27; 15 Ky. Law Rep., 114; Same v. Judge of Louisville Law and Equity Court, Id; Bannon v. City of Louisville, Id.

(3) **Condemnation of street for railroad.** In the absence of express statute a railroad company can not condemn and appropriate to its use, ad libitum, land already dedicated to the public for streets. Not only the city, but the owner of the fee, may enjoin the condemnation upon the ground that it would be a special injury to him. Cornwall v. L. & N. R. R. Co., 87 Ky., 72; 9 R., 924.

(4) **Construction of railroad in a street** is not per se an encroachment upon abutting lot owners; if he is deprived of the reasonable use of the street, he may have relief, but if he is merely inconvenienced he is without relief. Case of an elevated railway. Fulton v. Short Route, Transfer Co., 85 Ky., 640; 9 R., 291; and see Dulaney v. L. & N. R. R., 100 Ky., 628; 18 R., 1088; Ky. & Ind. Bridge Co. v. Kreiger, 93 Ky., 243; 13

oughfares. Improvements, as applied to public ways, shall mean all work and material used upon them in the construction and reconstruction thereof, and shall be made and done as may be prescribed herein. No ground laid off and dedicated as a street or alley by the owner within any territory

R., 219; and see sec. 242 of Con. and notes.

(5) City council, when authorized by the Legislature, may grant a right to construct and operate an electric or steam railway upon the public streets. *Louisville Bagging Co. v. Central Pass. Ry. Co.*, 95 Ky., 50; 15 R., 417.

(6) **Dedication of streets and alleys.** Where the owner of land adjacent to a city lays it out into building lots, streets, and alleys, and sells lots as bounded by such streets and alleys, this is an immediate dedication of the streets and alleys to the purchaser and public, although they have not been actually opened. *Schneider v. Jacob*, 86 Ky., 101; 9 R., 382.

(7) **Adverse user.** The fact that the city passed an ordinance authorizing the condemnation and opening the passway as a street was not a disclaimer by it that the strip was previously a public way. *Eastern Cemetery Co. v. City of Louisville*, 13 R., 279.

(8) **Implied dedication of streets**—partition—plat—acceptance and enjoyment of improvements made by the public—effect of certain reservations in the deed and plat to the effect that the streets were not to be considered as dedicated to the public. *Caperton v. Humpich*, 95 Ky., 105; 15 R., 430.

(9) **Dedication—when presumed.** *Kaye v. Hall*, 13 B. M., 455; *Wickliffe v. Lexington*, 11 B. M., 155.

(10) **Easement of lot owner in street.** Citizen's right to unobstructed use of contiguous streets, etc. *Transylvania University v. Lexington*, 3 B. M.,

25. **Granting easement in street.** Right of way granted to railroad. *L. & O. Ry. Co. v. Applegate*, 8 Dana, 289. The exclusive use of a street is in the public, even when the fee to the center is in the abutting lot owners. *J., M. & I. R. R. v. Esterle*, 13 Bush, 667. The occupation and use of a street by a steam railroad does not entitle the adjacent lot owners to compensation as for property taken for public use. *E. & P. R. R. v. Thompson*, 79 Ky., 52; 1 R., 395; but see Con., sec. 242, and notes.

(11) **Elevated railroads.** A charter to build a railroad confers the right to elevate it wherever the character of the country makes it convenient or essential. Legislative recognition of right to elevate—ordinance. *Fulton v. Short Route Tr. Co.*, 85 Ky., 640. 9 R., 291.

(12) **Grade of proposed street to be fixed by council.** The city council can not delegate its authority to fix the grade of streets it orders to be opened. A petition to enforce the lien is defective unless it alleges that the grade was fixed by council. *Zable v. Baptist Orphans' Home*, 92 Ky., 89; 13 R., 385.

(13) **Injury to property by improving street.** For unnecessary injury to property in making improvement the city, and not the contractor, is liable, the contractor having done the work as required by the ordinance and contract. Liability for surface water flowing on adjacent lots. *Pearson v. Zable*, 78 Ky., 170; see *Kemper v. Louisville*, 14 Bush, 87; and notes to sec. 242. Con. Cases in which it was held

heretofore or hereafter annexed to the city shall be a public way of the city until the dedication by the owner as such shall have been accepted by a resolution or ordinance of the general council, recommended by the board of public works. Upon the adoption of a resolution by the general council authorizing and directing such action, it shall be the duty of the city attorney to institute suit for the city in the circuit court for the purpose of closing any street or alley dividing any of the squares of lots within the limits of the city, and to such suit all the owners of ground in the squares or lots divided by the street or alley sought to be closed abutting on such street or alley shall be made defendants, and if all of such defendants are competent to act for themselves and consent in writing to the closing prayed for, then the court shall render a decree accordingly, but without such consent, the court shall hear proof made by the parties, and if satisfied from the evidence that the closing would be beneficial to the city, and not injurious to any party not consenting, shall render a decree closing such street or alley. (*Sections as amended by act of March 22, 1902.*)

an action would not lie. *Keasy v. Louisville*, 4 Dana, 154; *Wolfe v. C. & L. R. R.*, 15 B. M., 404; *L. & F. R. R. v. Brown*, 17 B. M., 763; *N. & C. Bridge Co. v. Foote*, 9 Bush, 264. Obstruction of light, air or private passway—right of action. *Keasy v. Louisville*, 4 Dana, 154; *Louisville v. Louisville Rolling Mill*, 3 Bush, 416.

A municipality is not liable under the original establishment of a street grade unless done negligently. *City of Owensboro v. Hope*, 118 S. W., 873; 128 Ky., 524.

(14) **Liability of city for ground taken in widening street.** A street was widened, taking thirty feet from H's lot. Afterward H conveyed the lot to D, reserving the right of action against the city for wrongfully converting the thirty feet. He can not recover the thirty feet—whether the city is liable to him in damages is not decided.

Hawes v. Louisville, 5 Bush, 667.

(15) **Lots bounded on streets and alleys.** Where deed calls for a street or alley as a boundary, the grantee acquires title to the center of the street or alley. *Jacob v. Woolfolk*, 90 Ky., 426; 12 R., 400; *Schneider v. Jacob*, 86 Ky., 101; 9 R., 382.

(16) **Opening of streets and alleys.** Act prohibiting except by city authorities. City may take notice of streets and alleys opened by persons through their property, and doing so previous consent to their being opened will be presumed. *Kaye v. Hall*, 13 B. M., 455.

(17) **Right to alley by user.** The status of an alley was not changed by a resolution of the city council refusing to accept it as a public way. Persons by long use having acquired the right to use it without obstruction. *Rohmeiser v. Bannon*, 15 R., 114.

§ 2833. **Original construction—cost—square defined— territory not defined—wells and cisterns—lien.** When the improvement is the original construction of any street, road, lane, alley, or avenue, such improvement shall be made at the

Parties to Suit to Close Street.

A person whose property does not abut on the portion of the street sought to be closed and who has ample facilities for ingress and egress by other streets is not a necessary party in a suit to close a street. *Haller v. City of Louisville*, 107 S. W., 741.

§ 2833. (1) **Agreement to keep in repair.** Contracts for construction of street with agreement to keep it in repair for five years. Retention of part of cost of work as security. Action by assignee of contractor. Necessary averments. *City of Louisville v. Muldoon*, 94 Ky., 462; 15 R., 233. Stipulation construed to mean that the contractor was only bound to make good such portions of his work as might prove, within the specified time, to have been defectively done. *Louisville v. Henderson*, 5 Bush, 515. It is the duty of the city to keep streets in repair, and if the guaranty of the contractor imposed any burden on the lot owners, they should to that extent be relieved. *Covington v. Dressman*, 6 Bush, 210. It is not unreasonable to require the contractor to maintain a plant in the city during the five years. *Barber Asphalt Pav. Co. v. Gaar*, 73 S. W., 1106; 24 Ky. Law Rep., 2227; *City of Louisville v. Barber Asphalt Pav. Co.*, Id.; *Walsh v. Same*, Id.; *Raffo v. Same*, Id.

A contract requiring a contractor for a street pavement to keep it in repair for a number of years will include defects caused by gas leaking from mains located in the streets, if such defects are not expressly excepted

from the operation of the contract. *Barber Asphalt Paving Co. v. City of Louisville*, 97 S. W., 31; 9 L. R. A. (N. S.), 154.

(2) **Benefit to owner—public need.** When the council has decided that the assessed area as an entirety will be benefitted by the contemplated improvement, a lot owner may be compelled to pay his part of the cost, unless the absence of benefit and of public need of the improvement make it manifest that the burden amounts to spoliation. *Preston v. Rudd*, 84 Ky., 150; 7 R., 806. In order to make adjacent property liable for cost of improving a street it is not necessary that the city or contractor should show benefit to the owner. *Nevin v. Roach*, 86 Ky., 492; 9 R., 819; *Pearson v. Zable*, 78 Ky., 170; *City of Lou. v. Bitzer*, 24 R., 2263.

(3) **City can not delegate its authority.** The power to pass ordinances to improve streets is legislative and can not be delegated. *Hydes v. Joyes*, 4 Bush, 464.

(4) **Curing invalid assessment.** An amended act attempting to cure a void assessment was declared inoperative. *Slaughter v. Louisville*, 12 R., 61.

(5) **Double taxation — what will amount to.** Where one part of a city has improved its streets by taxing the owners of property thereon, the same owners can not be taxed to improve the streets in another part of the city in a like manner; but a contingency may arise when it would be proper to resort to a popular vote and obtain, by the consent of those taxed, the right to contract such a debt as is necessary to make the improvement.

exclusive cost of the owners of lots in each fourth of a square to be equally apportioned by the Board of Public Works, according to the number of square feet owned by them, respectively, and in such improvements the cost of curbing shall constitute a part of the cost of the construction of the streets or avenue, and not of the sidewalk. Each subdivision of the territory bounded on all sides by principal streets shall be deemed a square. When the territory contiguous to any pub-

Frantz v. Jacob, 88 Ky., 525; 11 R., 55.

(6) **Exemption from assessment.** The word tax or taxation when used in the statute exempting property from taxation, does not include local assessments unless used in connection with other words indicating such intention. Zable v. Louisville Baptist Orphans' Home, 92 Ky., 89; 13 R., 385; Kilgus v. Trustees, 94 Ky., 439; 15 R., 318.

(7) **Homestead** may be subjected to lien for street improvements. Nevin v. Allen, 15 R., 836.

(8) **Location of carriage-way—center.** Where the ordinance for the construction of a carriage-way merely defines the width, leaving it to the engineer to locate the way, the owners of abutting property can not escape the burden of the cost, although the engineer did not locate the way in the center of the street so as to leave the equal space on each side of the way for sidewalks, the property owner not being entitled as a matter of right to a certain space for a sidewalk. Nevin v. Roach, 86 Ky., 492; 9 R., 819.

(9) **Objection to improvements—when to be made.** The courts can not be resorted to to avoid the payment for work already done in conformity with the ordinance and contract. The power of the court should be invoked before the improvement is made. Preston v. Roberts, 12 Bush, 570; Barber Asphalt Co. v. Gaar, 24 R., 2227.

(10) When the work is completed and the contract complied with the lot owner can not be relieved from payment by reason of an error of the council in the apportionment of the burden. Cooper v. Nevin, 90 Ky., 85; 11 R., 875; and see, further, note (3) sec. 2834.

(11) **Ordinances need not be spread on the records.** It is not necessary that an ordinance for a street improvement, or the contract and appointment made pursuant thereto, should be spread in full upon the records of the city council. Nevin v. Roach, 86 Ky., 492; 9 R., 819.

(12) **Ordinance—passage of—presumption.** Single entry by clerk upon the records of the council that ordinances for the improvement of several streets, naming them, were passed, does not show that they were all voted upon separately, as required by the charter. Nevin v. Roach, 86 Ky., 492; 9 R., 819.

(13) **Error (of any) in failing to vote on an ordinance on two different days** is one which comes within the provisions of another section, that "no error in the proceedings of the general council shall exempt from payment after the work has been done; . . . and in no event shall the city be liable." Broadway Baptist Church v. McAtee, 8 Bush, 510.

(14) **Original Construction.** Where a portion of a turnpike was taken into the city by the extension of its limits and became a public way of the city, the regrading and paving thereof

lic way is not defined into squares by principal streets, the ordinance providing for the improvement of such public ways shall state the depth, not exceeding five hundred feet, on both sides of said improvement to be assessed for the cost of making the same, including the cost of the improvement of the intersections, if any, of said public way, according to the number of square feet owned by the parties respectively within the depth, as set out in the ordinance. The general council

was an "original construction." *McHenry v. Selvage*, 99 Ky., 233; 18 R., 473; and see *City v. Tyler*, 23 R., 827.

There is no original construction where a water company for purposes of its own constructed a street at its own expense. *Sparks v. Barber Asphalt Paving Co.*, 112 S. W., 830.

(15) **Original construction.** For full discussion see *Barfield v. Gleason*, 23 R., 128.

(16) **Owners hold subject to right of the city to improve.** Lot owners may be presumed to have purchased in contemplation of the power of the city to make such improvements as are ordinary and useful; but when the improvements are extraordinary and so peculiarly injurious to the owners as to result to some extent in the deprivation of the use of their property and injury to their business, such improvements should not be made without compensation. *Louisville v. Louisville Rolling Mill Co.*, 3 Bush, 416.

(17) **Reconstruction of street.** Ordinance passed under act requiring a street to be torn up and reconstructed at the cost of adjacent lot owners held valid. *Bradley v. McAtee*, 7 Bush, 667.

(18) **School property** held by the school board for the use of the public schools is not subject to seizure or sale for street improvements. *City of Louisville v. Leatherman*, 99 Ky., 213; 18 R., 124.

(19) **Square—territory not defined—corner lots.** The territory

may be so large as to authorize the conclusion that it could not have been intended to be a square within the meaning of the charter in regard to street improvements; but the mere fact that a square is larger than the usual squares of the city will not authorize such conclusion. *Nevin v. Roach*, 86 Ky., 492; 9 R., 819. What deemed a square. *Broadway Baptist Church v. McAtee*, 8 Bush, 510; *Caldwell v. Rupert*, 10 Bush, 179.

(20) In assessing property under the charter it is not necessary to confine each assessment and apportionment inflexibly to a single square. Property in adjoining squares may, in some cases, be included. *Stengel v. Preston*, 86 Ky., 616; 11 R., 796.

(21) Rule when the property assessed is not defined into squares. *Loeser v. Redd*, 14 Bush, 18. If the territory contiguous to the street is defined into squares, the charter fixes the district, and the council has no right to define the taxing district. Mode of apportioning the burden when territory on one side of the street has been defined into ordinary squares and that on the other side has not. *Cooper v. Nevin*, 90 Ky., 85; 11 R., 875; *Preston v. Roberts*, 12 Bush, 570; *Dumesnil v. Shanks*, 97 Ky., 354; 17 R., 170.

(22) Street along square, part of which has been previously constructed at the cost of adjacent lot owners. Rule as to apportionment. *Beck v. Obst*, 12 Bush, 268; and see *Washle v.*

shall have power by ordinance, recommended by the board of public works, to cause the digging and the walling of public wells and cisterns, and the placing of water-plugs and fire-hydrants and attachments to street water-pipes in the public ways, and to apportion the cost thereof exclusively against the owner of lots fronting the public ways to the middle of each square from the intersection at or near which the work shall be located according to the number of square feet in such lots, or in any other equitable mode of apportionment which the general council may prescribe by ordinance, and lien shall exist against such lots for the respective apportionment by the board of public works, of the cost of digging and walling of public wells and cisterns, and the placing of water-plugs and fire-hydrants and attachments to street water-pipes, with interest from the date of the apportionment at the rate of 6 per cent. per annum until paid. (*Section as amended by act of March, 1906.*)

Nehan, 97 Ky., 351; 3 R., 387; Dumesnil v. Shanks, 97 Ky., 354; 17 R., 170; Dumesnil v. Gleason, 99 Ky., 652; 18 R., 475.

(23) Case when improvement does not extend the whole distance of the square or reach some of the property assessed. Boone v. Nevin, 15 R., 574.

(24) Provisions in charter placing the costs of improvements upon owners of lots in each fourth of a square to be equally apportioned, etc., according to the number of square feet owned by them respectively, except corner lots, which shall pay twenty-five per cent. more, held to be valid. Broadway Baptist Church v. McAtee, 8 Bush, 510.

(25) See diagram in opinions illustrating the principle upon upon which assessments should be made. Schmelz v. Giles, 12 Bush, 491; Button v. Kremer, 24 R., 1194.

(26) **Proper apportionment where property adjacent to city boundary line.** Bullitt v. Gosnell, 118 Ky., 329.

(27) **Subsequent act will not vitalize void ordinance.** Ordinance conferring no legal authority to make and let the improvements when put under contract

can not be validated by subsequent act. Hydes v. Joyce, 4 Bush, 464. Ordinance reported to council, but which is not shown by the record to have been adopted, can not be declared by a subsequent council to have been adopted by the former. Covington v. Ludlow, 1 Met., 298.

(28) **Lot defined.** This is a proceeding to subject a triangular lot of ground used as a right of way for the L. & N. R. R. Co. to a lien for street improvements. It is insisted that said lot is only a right of way, and not subject to payment for street improvements, also that it receives no benefit from said improvement. **Held.** That said objections are not tenable. It is also contended that the right of way is not a lot in the meaning of the statute governing street improvements. **Held.** That under the statute governing street improvements a lot is any piece of land within the territory defined by the statute or the general council where the territory to be assessed is not bounded by principal streets. The use or the nonuse, or the character of the use to which the parcel of land is put, does not determine the question whether it

§ 2833a. **Claim against State for improvements—how paid.** That when any public way, or other public improvement in any city of the first-class in this Commonwealth, is ordered or directed, by ordinance of the general council of such city to be constructed, which, according to the provisions of the act for the government of that class of cities, may be lawfully constructed at the cost of the owners of the lots of ground adjacent to such improvement, or within the taxable limits therefor, defined as provided in such act, and any such real estate within such taxable limits is owned by the State of Kentucky, or is held in trust for the public use of the State, the proportionate part of the cost of making such public way or other public improvement shall be apportioned against the real estate of the State in like manner as against other lots of ground within such taxable limits, and an apportionment warrant or statement thereof shall be certified by the board of public works of such city to the Auditor of Public Accounts, who shall thereupon draw his warrant on the State Treasurer for the amount of such apportionment warrant or certified statement in favor of the person named therein as entitled to the amount thereof, and the State Treasurer shall pay said warrant drawn by the Auditor out of any money in the treasury not otherwise appropriated. (*This section is an act of February 28, 1902.*)

§ 2834. **Lien for cost of constructing public ways, sidewalks, wells and cisterns—passage of ordinance.** A lien shall exist for the cost of original improvement of public ways, for the

is or is not a lot. *Higg v. Louisville & Nashville R. R. Co.*, 25 Ky. Law Rep., 350, Part 1.

(29) **Streets in annexed territory.** Where one laid out land as an addition to a city, subdividing it by streets, and recorded a plat thereof, and sold lots by deeds calling for the streets, and the lots are built on, and the streets are used as such, and thereafter the city annexed such territory, such streets thereby become principal streets of the city, within Ky. St. 1899, Secs. 2833, 2834, limiting the territory which may be assessed for a street improvement. *R. B. Park & Co. v. Orth*, 73 S. W., 1015; 24 Ky. Law Rep., 2209.

(30) **Estoppel to object to assessment.** A property owner should not be permitted to stand by in silence, and allow a street improvement to be made, and then, by raising objections, escape payment for the benefit his property has received. *Barber Asphalt Pav. Co. v. Gaar*, 73 S. W., 1106; 24 Ky. Law Rep., 2227; *City of Louisville v. Barber Asphalt Pav. Co.*, Id.; *Walsh v. Same*, Id.; *Raffo v. Same*, Id.

§ 2834. (1) **Construction of sewers.** City can not surrender its right to construct sewers; and a railway company to which the city had given the right of way holds subject to the power of the

construction and the reconstruction of sidewalks, and for the digging and walling of public wells and cisterns, for the apportionment and interest thereon at the rate of six per cent.

city to construct sewers. *L. C. Ry. v. Louisville*, 8 Bush, 415.

(2) **Construction of wells and cisterns** at cost of property owners. Apportionment of costs. *Louisville v. Osborne*, 10 Bush, 226; 23 R., 375; 22 R., 397.

(3) **Error in proceedings of council** will not exempt lot owner from payment after work has been done. *City v. Clark*, 105 Ky., 392; 20 R., 1265; 99 Ky., 380; 18 R., 238; and see *City v. Selvage*, 106 Ky., 730; 21 R., 349; *Gosnell v. City*, 104 Ky., 201; 20 R., 519; 106 Ky., 125; 20 R., 1694.

(4) **Improvement unnecessary** is no defense to action to recover cost of same, as court will not go behind action of council in ordering the improvement. *Dumesnil v. Louisville Stone Co.*, 22 R., 503; *Chawh v. Beville*, 21 R., 1769.

(5) **Justice to all concerned.** Under the provisions of this section, that the council and courts shall do justice to all parties concerned, a contractor may recover, although the work was not accepted by that officer authorized to accept it when the work was completed. *Isenberg v. Selvage*, 19 R., 1963; 103 Ky., 260.

(6) **Lien—how created.** What must appear. Action to enforce lien. *Preston v. Roberts*, 12 Bush, 570.

Sale of land. The statutory lien of a company for street improvement being against the land itself, and not against the owners, if the land is subjected to sale thereunder, the lienholder is entitled to have his lien enforced against the entire lot, irrespective of the various interests of life tenants and remaindermen therein. *Duker v. Barber Asphalt Pav. Co.*, 74 S. W., 744; 25 Ky. Law Rep., 135.

Change of street level—liability of abutting property for ex-way crossing—discretion of city council. The fact that the city may be held liable in damages as the result of the change of the street level, can not be pleaded in bar of the contractor's claim for making the street.

To the extent that the cost of the improvement was occasioned by the subway crossing of the railroad, it was not such a construction of the street, which could be charged to the abutting property, but should be borne by the city itself.

While the cost of altering the grade of a street, so as to carry the street under a railroad, can not be imposed upon abutting property, yet the city council has legislative discretion to fix the grade, and the building of the street at the grade thus fixed can be made a charge upon the abutting property. *Louisville Steam Forge Co. v. Mehler, etc.*, *City of Louisville v. Gosnell, etc.*, 112 Ky., 438.

(7) **Notice—due process of law.** The hearing which the taxpayer has when a lien upon his property for street improvement is sought to be enforced, constitutes "due process of law." No other notice is necessary. *Nevin v. Roach*, 86 Ky., 492; 9 R., 819.

(8) **Original construction—**for full discussion of law and facts, see *Barfield v. Gleason*, 23 R., 128; *City v. Tyler*, 23 R., 827.

(9) **Passage of ordinance—computation of time.** *Fehler v. Gosnell*, 99 Ky., 380; 18 R., 238.

(10) **Reconstruction—interest on warrants—reapportionment.** *Gosnell v. City*, 104 Ky., 201; 20 R., 519.

(11) **Repair work—what is—reconstruction—meaning of.**

per annum against the respective lots. Payment may be enforced upon the property bound therefor by proceedings in court; and no error in the proceedings of the general council

Levy v. Coyne, 22 R., 493.

(12) **Taxation**—provision of constitution limiting taxation does not apply to local assessments for street improvements. Gosnell v. City, 104 Ky., 201; 20 R., 519.

(13) **What will exempt property owners.** As regards the contract with the contractors—property owner not exempt. Louisville v. Henderson, 5 Bush, 515. Error in proceedings of general council—property owner not exempt. Craycraft v. Selvage, 10 Bush, 696. When cost of improvement amounts to spoliation. City of Lou. v. Bitzer, 24 R., 2263.

(14) **Negligent construction of sewer—notice of defect.** A city is liable for injury to property resulting from the construction of a sewer according to a plan which is palpably bad, though the execution of the plan may have been skillful.

In an action against a city to recover damages for injury to property from the negligent construction of a sewer, it was proper to instruct the jury that "when the city undertakes to construct a sewer it is its duty to exercise ordinary care and skill to keep it in condition to carry off the water collected thereby from such rainfalls as may be reasonably expected to occur in the neighborhood to be drained by such sewer.

Where the initial construction of a sewer by a city is manifestly defective, notice to the city of the defect is not a prerequisite to its liability for injury to property resulting therefrom.

The right of action against a city for injury from the flooding of property by the negligent

construction of a sewer accrues when the property is flooded, and limitation runs only from that date. City of Louisville v. Norris, 111 Ky., 903; City of Louisville v. American Standard Asphalt Co., 102 S. W., 806.

A sewer is a permanent structure and damages resulting from a defective sewer, if any occur from the construction of the sewer, or at least from the date of the first overflow, must be recovered entire in one section. City of Richmond v. Martin Gentry, decided January 6, 1910. See also Hay v. Lexington, 24 Ky. Law Rep., 1495.

(15) **When city, not property owners, liable.** Failure to adopt measures rendering lot owners liable. Murphy v. Louisville, 9 Bush, 189; Guthrie v. Louisville, 6 B. M., 575. When by proper proceedings lot owners may be made liable, the city will not be liable unless it will have the right to proceed to make the property holders liable. Craycraft v. Selvage, 10. Bush, 696. But if the nature of the ownership of the property is such that it can not be made liable, then the city must pay. Louisville v. Nevin, 10 Bush, 696; City of Louisville v. Leatherman, 99 Ky., 213; 18 R., 124. City is liable where it has no authority to make the improvement at the exclusive cost of the property owners. Caldwell v. Rupert, 10 Bush, 179. Where the mayor and council, without authority of law, cause the improvement to be made, the city, and not the lot owners, is liable. Louisville v. Hyatt, 5 B. M., 199; see and compare Murphy v. Louisville, 9 Bush, 189. Improvements made

shall exempt from payment after the work has been done as required by either the ordinance or contract; but the general council, or the courts in which suits may be pending, shall

without sanction of general council, evidenced by the yeas and nays taken on the adoption of the ordinance, the city, and not the lot owner, is liable. *Kaye v. Hall*, 13 B. M., 455.

(16) Apportionment warrant—work done as required—failure of property owner to object.

While there may be some doubt as to the validity of an ordinance where there were two ordinances passed by the council at the same time, relating to the same subject, yet under Kentucky Statutes, section 2834, providing that no error in the proceedings of the general council shall exempt from payment for work done on public ways, after the work has been done as required by either the ordinance or contract, where work has been done on a public way according to such ordinance or contract, without objection by the property owner whose property has thereby been benefited, it is too late for him to object to the payment of the apportionment warrant and the enforcement of the lien therefor, after receiving the benefit of the work without objection. *City of Louisville v. Gast, etc.*, 26 Ky. Law Rep., 412.

(17) Form, requisites, and validity in general. The act for the government of cities of the first class (St., sec. 2834) provides that "no ordinance for an original improvement mentioned in this act shall pass both boards of the general council at the same meeting, and at least two weeks shall elapse between the passage of any such ordinance, from one board to the other." **Held**, That an ordinance passed Thursday, April 5th, by the lower board, and Thursday,

April 19th, by the upper board, was in compliance with the act, under section 453, which provides that the day on which the act is done may be counted as one day in computing time. *Fehler v. Gosnell*, 99 Ky., 380; 35 S. W., 1125; 18 Ky. Law Rep., 238; *Dickson v. Gleason*, Id.

(18) Obstructions and encroachments. Injunction was issuable to restrain a party about to open up a ball park adjoining plaintiff's residence from fencing in, as a part of the park, an alley constituting one of the boundaries of plaintiff's lot, and dedicated to public use in the original plat of the property, and called for in the deed to plaintiff's predecessor in title. *Alexander v. Teseau*, 71 S. W., 427; 24 Ky. Law Rep., 1305.

Where persons erect buildings and other obstructions in a street, an individual owning property on the street, whose means of egress and ingress from and to it are obstructed, thereby reducing the value of the property, may maintain a suit for the removal of the obstructions as a nuisance, though a suit brought by the city for the removal thereof is pending. *Bourbon Stockyard Co. v. Woolley*, 76 S. W., 28; 25 Ky. Law Rep., 477.

(19) Obstructions. A city is not liable for injuries resulting from the falling of a bill board erected by the proprietor of a private lot, and projecting over the line of his lot only the thickness of a board, unless the city had notice that the board was not securely fastened. *City of Weisenberger*, 7 Ky. Law Rep. (abstract), 448.

A city is liable, under its duty to keep streets in good condition,

make all corrections, rules, and orders to do justice to all parties concerned; and in no event, if such improvement be made as is provided for, either by ordinance or contract, shall

for injury to one struck, without contributory negligence, while driving, by a large limb of a tree projecting into the street dangerously low. *City of Louisville v. Michels*, 71 S. W., 511; 24 Ky. Law Rep., 1375.

A city is liable to a person injured while riding a tandem bicycle at night, with a lady in front of him, by striking dangerous obstructions in the street, where he had no knowledge of them, and could not, by ordinary care, have discovered them in time to have avoided the injury. *City of Louisville v. Keher*, 79 S. W., 270; 25 Ky. Law Rep., 2003.

(20) **Notice of defect or obstruction.** A city must be deemed to have had notice of an obstruction in the street, consisting of a post 2½ feet high, where it appears that the post has been standing there for more than three years. *City of Louisville v. Brewer's Adm'r*, 72 S. W., 9; 24 Ky. Law Rep., 1671.

Where a dangerous obstruction has existed in a street for several weeks with the knowledge of the officers of the city whose duty it is to report such matters, the city is estopped in an action for personal injuries resulting therefrom, to claim that it had no notice of the obstruction. *City of Louisville v. Keher*, 79 S. W., 270; 25 Ky. Law Rep., 2003.

(21) **Negligence and contributory negligence.** One stumbling over a post which he knew was in a highway was not guilty of contributory negligence, as matter of law, in momentarily having forgotten its existence; it appearing that the accident occurred at night, and that the street was not lighted. *City of Louisville v. Brewer's Adm'r*, 72

S. W., 5; 24 Ky. Law Rep., 1671.

(22) **Instructions.** In an action for injuries sustained by a pedestrian by reason of a defective sidewalk, an instruction that it was the duty of the city to use ordinary care in keeping its sidewalk in good repair; that it was the duty of pedestrians to use ordinary care; and that, if the city was negligent in leaving a stick projecting upon a sidewalk, and plaintiff stumbled over it and was injured, the verdict should be for plaintiff, unless she was guilty of negligence which so far contributed to the injury that, but for the same, she would not have been injured — sufficiently announced the principle that, if the city did not keep its sidewalks in a reasonably safe condition for pedestrians using ordinary care, the city would be liable if plaintiff received her injury by reason of the city's negligence. *City of Louisville v. Bailey*, 74 S. W., 688; 25 Ky. Law Rep., 6.

(23) **Apportionment of benefits.** That an owner of abutting property submitted to the illegal apportionment of the cost of an improvement of a street on one side of a square, and thereby paid more than he was required by law to pay, did not affect his liability to pay a valid assessment for the improvement of a parallel street. *R. B. Park & Co. v. Cane*, 73 S. W., 1121; 24 Ky. Law Rep., 2294.

(24) **Frontage of lots in general.** Where an alley running north and south through a square lay entirely in the westerly half of the square, and another alley bisected that portion of the square lying between the first alley and the easterly boundary of the square, the owners of the

the city be liable for such improvement, without the right to enforce it against the property receiving the benefit thereof; but no ordinance for any original improvement mentioned in

northwest and southwest quarters of the square were properly charged with the entire expense of the construction of the first-described alley and of so much of the second alley as lay west of the middle of the block. *Wagner v. Gast*, 71 S. W., 533; 24 Ky. Law Rep., 1401.

The method of making assessments for street improvements by the foot is not invalid. *City of Louisville v. Bitzer*, 73 S. W., 1115; 24 Ky. Law Rep., 2263; 61 L. R. A., 434; *Bitzer v. Fulton, Id.*

Under Ky. St. 1899, sec. 2833, providing that, where an improvement is the original construction of a street, it shall be made at the exclusive cost of the owners of lots in each fourth of a square bounded by principal streets, to be equally apportioned by the board of public works according to the number of feet owned by such owners, and, where the territory is not defined into squares by principal streets, the improvement ordinance shall state the depth on both sides fronting the improvement which is to bear the cost thereof, property in the defined square may be assessed for the improvement although it does not front thereon. *Pfaffinger v. Kremer*, 74 S. W., 238; 24 Ky. Law Rep., 2368.

A street on which improvements were made was paralleled on the east by a street of equal length, while the street next west remained parallel with it only in part; and, in apportioning the cost of the improvement to adjacent property, the council treated the street on the west as running parallel to the improved street the entire distance. **Held that**, though this method resulted in the territory to be taxed on the

east side of the improved street being wider than that on the west side, nevertheless, as, under the law, the territory would have been taxed in the manner determined by the council if the street on the west side actually ran parallel the entire distance, the method adopted by the council was proper. *Wymond v. Barber Asphalt Pav. Co.*, 77 S. W., 203; 25 Ky. Law Rep., 1135.

(25) **Omission to assess property liable.** Where a street which was to be improved had been improved along part of its distance by original construction, the action of the city authorities of paying for the construction of this portion of it with funds of city was not prejudicial to the property owners. *Wymond v. Barber Asphalt Pav. Co.*, 77 S. W., 203; 25 Ky. Law Rep., 1135.

(26) **Enactment.** Under Ky. St., Sec. 2834, providing that at least two weeks shall elapse between the passage from one board of the general council to another of an ordinance of a city of the first class for an original street improvement, such an ordinance passed by the board of councilmen, March 17th and by the board of aldermen March 31st is valid. *City of Louisville v. Selvage*, 51 S. W., 447; 21 Ky. Law Rep., 349; 106 Ky., 730; *Selvage v. Lucas, Id.*

(27) **Location of property liable.** Where, in a proceeding to enforce an assessment for an improvement, it appeared the cross-streets on the north side of the improved street were not extended to intersect the streets on the south side because of an intervening railway right of way, they will be treated as extended for the purposes of the assessment. *Specht v. Barber Asphalt Pav. Co.*, 80 S. W., 1106; 26 Ky. Law

this act shall pass both boards of the general council at the same meeting, and at least two weeks shall elapse between the passage of any such ordinance from one board to the other.

§ 2835. **Side walks and curbing—apportionment of costs.** The cost of making sidewalks, including curbing, whether by original construction or reconstruction, shall be apportioned by the front foot, as owned by the parties respectively fronting said improvement, except that each corner lot shall pay the cost of its sidewalk intersection.

§ 2836. **Property owners permitted to improve public ways.** The board of public works may, in its discretion, upon a peti-

Rep., 193; Barber Asphalt Pav. Co. v. Ewald, 1d.

In case of a re-apportionment the property is liable for the additional burden in the hands of a person who purchased since the original apportionment. *Comley v. American Standard Asphalt Co.*, 113 S. W., 125.

§ 2835. (1) **Curbing**—when cost to be paid by abutting owners. *City v. Tyler*, 23 R., 1609; and see 23 R., 1971.

(2) **Effect of change in law.** See sec. 3833, and *Reed v. Bates*, 24 R., 2312.

(3) **Sidewalks.** The fact that no sidewalk was made when a street was originally constructed, or was ever thereafter made, does not prevent a subsequent improvement of the street from being a reconstruction; nor is it material that the street was originally improved by building a "turnpike road," as that is well understood to mean a macadam pavement, which is the kind of pavement at the time of the improvement, in general use in the city.

Kentucky Statutes, section 2835, providing that "the cost of making sidewalks, including curbing, whether by original construction or reconstruction, shall be apportioned to the front feet as owned by the parties, respectively, fronting said improve-

ment, except that each corner lot will pay the cost of its sidewalk intersection," applies only when a sidewalk, including curbing, is either constructed or reconstructed; and therefore where no construction of sidewalk is provided for, but the ordinance and contract provide for an improvement of the carriage-way "by grading curbing, and paving," the curbing is a part of the improvement of the carriage-way, and, if the work is reconstruction, must be done at the cost of the city. *City of Louisville v. Tyler*, *Tyler v. Louisville & N. R. R. Co.*, 111 Ky., 588.

§ 2836. **Waiver of right to improve.** Right of lot owner to improve may be waived by failing to speak when it is his duty to speak. *Broadway Baptist Church v. McAtee*, 8 Bush, 510.

Estoppel. A property owner who stands by without objection and permits a contractor to expend his money in making improvements upon the faith that the cost was to be a charge upon the abutting property is estopped to resist payment for said improvement. *Barber Asphalt Co. v. Gaar*, *City of Louisville v. Barber Asphalt Co.*, *Walsh, etc., v. Same*, *Raffo, etc., v. Barber Asphalt Paving Co.*, 24 Ky. Law Rep., Part 2, 2227.

tion of a majority of the property owners on the part of the public way proposed to be improved, grant them permission to improve said public way, under the supervision of, and within such time as may be fixed by, the board of public works.

§ 2837. **Inspection and reception of work—publication of notice.** When improvements in public ways have been made, or public wells or cisterns dug and walled, and the contract therefor completed, the board of public works shall, by one insertion in one of the daily newspapers published in the city, give notice of the time and place fixed for the inspection and reception of the work by the board, or its deputy or deputies, and such owners, their agents and representatives, may appear and be heard as to whether such improvements have been made in accordance with the ordinance authorizing the same, and the contract therefor.

§ 2838. **Action to enforce lien—evidence—provision for redemption.** In all actions to enforce liens, a copy of the ordinance authorizing the improvements or work, a copy of the

§ 2837. **Construction and effect of section.** *Richardson v. Mehler*, 23 R., 917.

§ 2838. (1) **Appeal from judgment** in action on an apportionment warrant seeking to subject real property may be taken, although it be for less than one hundred dollars. *Fehler v. Gosnell*, 99 Ky., 380; 18 R., 238.

(2) **Suit to enforce lien.** Statute not prescribing the mode of procedure, the mode prescribed by law for the enforcement of other liens will be presumed to have been intended. *Craycraft v. Selvage*, 10 Bush, 696.

(3) **Validity of statute—prima facie evidence.** The provision in this section that certain things shall be prima facie evidence of the passage, approval and publication of the ordinance as well as of other facts is upheld in *McHenry v. Selvage*, 99 Ky., 232; 18 R., 473; *Zable v. Orphans' Home*, 92 Ky., 89; 13 R., 385; and see *Richardson v. Mehler*, 23 R., 917; *Gaertner v. Lou. Stone Co.*, 24 R., 490.

(4) **Payment.** Appellee G was

a contractor for the construction of a section of Highland avenue, and brought an action on apportionment warrants against abutting property owners to recover the price of the construction. This court decided that the property owners were not liable on said warrants as the improvement was not original construction, but reconstruction, for which the city alone is liable. Several of the property holders pending the litigation paid to the contractor the amounts due on their warrants under an agreement that should it be determined that they were not liable on same, said amounts should be returned. On the trial below, in which the contractor sought to recover the amounts due from the city for the benefit of the property holders who had paid him, the city claims that it had paid said indebtedness, and no recovery could be had for the further reason that the proof did not authorize a recovery. **Held**, That under section 2838, Kentucky Statutes, it is provided that

contract therefor, and a copy of the apportionment—each attested by the comptroller—shall be *prima facie* evidence of the due passage, approval, and publication of the ordinance,

in all actions to enforce liens a copy of the ordinance authorizing the improvement, a copy of the contract therefor, and a copy of the apportionment, each attested by the comptroller, should be *prima facie* evidence of the validity of the claim. This proof having been made, it devolved on appellant to defeat the claim. Appellant cannot claim that the payment to the contractor under a special agreement for refunding same inured to its benefit, as none of these payments were made on behalf of the city.

Statute of limitation.—The contract being in writing, an action to enforce payment of the contract price will not be barred until after fifteen years. It is not a liability created by statute which would be barred after five years. *City of Louisville v. Gleason, etc.*, 24 Ky. Law Rep., Part 2, page 1491.

(5) Construction—Assessments—Constitutionality—Spoilation—Due process of law—Benefits—Preliminary hearing—Grade—Change—Injury—Compensation.—City Executive Board—Passage of ordinance—Time—Record—Construction—Repairs—Cost.—Bid—Inclusion—Prima facie case—Necessity of Improvements—Release of contractor.—Appellate jurisdiction.

1. The mere grading of a dirt road so as to form a crown, and to leave depressions at the sides for surface drainage, and the leveling of inequalities, does not constitute a street construction.

2. Kentucky Statutes, section 2838, providing for the original construction of streets in cities of the first class at the exclusive cost of the owners of abutting property according to area, is not constitutional.

3. A street assessment will not

be held to be an arbitrary and unconstitutional taking of property merely because the benefits from the street are not commensurate with the cost, as the Legislature has a large discretion in defining the property deemed to be specially benefited, and the courts will not interfere, except upon a showing of fact so conclusive as amply to justify their interference.

There is no spoliation unless the cost of the improvement equal or exceeds the value of the property. *Haller v. Barber Asphalt Paving Co.*, 113 S. W., 516.

4. The fact that a State statute providing for the original construction of streets at the exclusive cost of the owners of abutting property according to area makes no provision for a preliminary hearing as to the extent of the special benefits to each piece of property resulting from the improvement, does not render it violative of the fourteenth amendment to the Constitution of the United States.

5. Under Constitution, section 242, providing that "municipal and other corporations, and individuals, invested with the privilege of taking private property for public uses, shall make just compensation for property taken, injured or destroyed by them; which compensation shall be paid before such taking, or paid or secured, at the election of such corporation or individual, before such injury or destruction,"—an ordinance for a street improvement is not void because it fails to provide for compensation for the injury to abutting property from the excavations necessary to be made to conform the street to the grade theretofore fixed by the city council, as

of the due execution and approval of the contract, and shall also be *prima facie* evidence of every other fact necessary to be established by the plaintiff in such actions to entitle him to the relief authorized to be given in this act. In such actions the court shall provide in its order confirming any report of sale that the defendants, or either of them, or any one claiming through or under them, or either of them, or any creditors of theirs, or either of them, may, within two years from the date of such order confirming a report of sale, redeem the land sold by paying to the purchaser the purchase price, with interest

a statute or ordinance which results in injury to property is not unconstitutional because it fails to provide for compensation to be made for the injury before it is done.

6. Though the change in the grade was unnecessary, and might have been prevented by injunction, and though the excavations necessary to conform to the grade might have been prevented until compensation had been provided for the injury to be occasioned thereby, yet, as neither of these things was done, the defendants in an action by the contractor to enforce his lien can not have the cost of the excavation, which has been included in the assessment, apportioned among them, and recover against the city the amounts apportioned, the remedy being an action at law to recover the damages which have actually accrued from the change of grade.

7. The making out of an apportionment warrant is not the levy of a tax, and may be performed by an executive board.

8. A statute providing for the construction of streets at the cost of abutting property owners is not unconstitutional because it does not require the contract for such construction to be approved by the city council, as that is a ministerial act, and may be entrusted to an executive board.

9. All the requirements of the statute necessary to create a lien having been complied with,

the fact that the apportionment warrants were not approved by the mayor and council, as required by an ordinance, does not affect the validity of the lien.

10. The records of the council showing that an ordinance was passed by the two boards on different days is conclusive of that question, and can not be overcome by the recollection of a witness; and, besides, the statement of a witness that an ordinance was passed by both boards on the same night may be consistent with the proper passage of the ordinance by one of the boards at a subsequent date, which is a sufficient compliance with Kentucky Statutes, section 2777, providing that an ordinance shall not be passed by both boards on the same day.

11. Where the contractor was required by the contract to keep the street in repair for five years, and, in order to secure that undertaking on his part, was required to deposit bonds amounting to ten per cent. of the contract price, it will be presumed that this provision did not increase the cost of the improvement beyond the ten per cent. as the Court of appeals had previously construed such a provision in a street-improvement contract as binding the contractor only to that extent for repairs, and it must be presumed that plaintiff contracted with reference to that construction.

12. Proper averments of the

thereon from the day of sale, at the rate of six per cent. per annum, and all the taxes and assessments on and against such land paid by such purchaser, with interest thereon at the rate of six per cent. per annum from the date of such payments; and in the event that there be no redemption within the time allowed, the order of confirmation shall be final, and a deed shall be executed to the purchaser or his assignee.

§ 2839. **Apportionment warrants—registration—lien.** The board of public works shall make out all apportionment warrants for which liens are given for improvements of public ways, wells, cisterns, water plugs, and sidewalks as may be re-

steps leading to the creation of a lien, supported by the exhibits required to make out a prima facie case, entitle plaintiff to a judgment in the face of a mere denial as to the fixing of the grade of the street.

13. After the work is done, the legislative determination of the council that the improvement was necessary will not be disturbed, except upon a showing of abuse of discretion so conclusive as to amply justify the interference of the court.

14. Where the city, without good cause, released an accepted bidder, who had given bond with solvent surety, and the bid accepted upon a second advertisement, though the lowest one then made, was considerably higher than that of the released contractor, the property owners are entitled to judgments over against the city for the difference. *Barfield &c. v. Gleason &c.*, 111 Ky., 491.

§ 2839. (1) **Assessment corrected by court.** An erroneous assessment corrected by the court. *Preston v. Roberts*, 12 Bush, 570.

(2) **Corrected assessment.** Payment and acceptance of an assessment for street improvement can not be regarded as an accord and satisfaction of an additional amount afterward found

by a corrected assessment to be due. *Stengle v. Preston*, 89 Ky., 616; 11 R., 976.

(3) **Report of engineer—adoption of.** When the apportionment is reported by the engineer to the council, and his report adopted, it then becomes the act of the council, as much as if it had made the estimate, etc. *Nevin v. Roach*, 86 Ky., 492; 9 R., 819.

(4) **Validity of this section—**and full discussion of question of street improvements. *Barfield v. Gleason*, 23 R., 128; and see *Horne v. Mehler*, 23 R., 1176.

(5) **Apportionment warrants.** In this action to recover the amount of apportionment warrants for street improvements in Louisville, it is insisted in defense that the petition does not show that the apportionment was approved by the general council. **Held**, That as section 2839, Kentucky Statutes, authorizes the board of public works to make out the apportionment warrants, the allegation that the board of public works made out the warrants is prima facie sufficient. The Court of Appeals can not take judicial notice of ordinances of the city, and if there was an ordinance requiring that the apportionment should be approved by the council before the warrants were issued, and that there was no such approval, the facts

quired by ordinance, and within two days thereafter shall enter the same upon a register kept in alphabetical order for that purpose. When the holder of said warrant shall have obtained payment, he shall notify the board of public works, and it shall be marked upon the register as paid. The lien shall exist from the date of the apportionment warrant; but a lien shall not be valid against a purchaser for valuable consideration without notice, unless it shall be so entered and registered within ten days of the issuing of the apportionment warrant.

SUBDIVISION VIII.

Parks.

§ 2840. **Board of park commissioners—control by.** The public parks in a city of the first class shall be held, managed and controlled by a board under the name and style of the board of park commissioners. Such board shall have power to contract and be contracted with, sue and be sued, and adopt a common seal.

§ 2841. **Board of six persons—election—term—qualification—mayor, ex-officio member.** Said board shall consist of six persons, to be chosen as hereinafter provided, and the mayor of the city, who shall be ex-officio a member of the board. The six members of said board shall be elected by the qualified voters of the city at the November election, one thousand eight hundred and ninety-three. The three members receiving the highest number of votes at said election shall hold for a term of four years, and the three receiving the next highest number of votes shall hold for a term of two years. Thereafter all members shall be elected for a term of four years. No person shall be elected, or, after election, shall continue to be a mem-

should have been pleaded. *Horne, etc., v. Mehler, Mehler, etc., v. Horne, etc., City of Louisville v. Mehler*, 23 Ky. Law Rep., 1176.

In case of a re-apportionment the property is liable for the additional burden in the hands of a person who purchased since the original apportionment. *Comley v. American Standard Asphalt Co.*, 113 S. W., 125.

§ 2840. (1) **Park commissioner—removal.** Board of aldermen has jurisdiction to remove a park commissioner for malfeasance or misfeasance, as well as for causes that unfit him for the place. *Gibbs v. Board of Aldermen*, 99 Ky., 490; 18 R., 341.

(2) **Board of Park Commissioners not liable for torts.** Board of Park Commissioners *v. Prinz*, 32 R., 359; 105 S. W., 948.

ber of said board, or vote or act as such, who is not a *bona fide* resident and housekeeper of the city, or who, after election, shall for ten days fail or refuse to take oath as herein provided.

§ 28. **Official oath to be taken by members of board.** The persons elected as members of said board shall each, within ten days after election, make and subscribe oath before, to be attested by the county clerk or his deputy, to the effect that he will faithfully, diligently, and to the best of his skill and ability, perform all the duties of such park commissioner without favor or prejudice; that he is not subject to any of the prohibitions or disqualifications set out in this act; and that he will not be in any manner or to any extent, directly or indirectly, concerned in any contract, purchase, sale, salary, or emolument of any kind connected with or growing out of any business of said board, or the providing, purchasing, condemning, managing, or improving of any park property, or in supplying any labor, material, or thing of service in respect to same, save as herein permitted. Such oath shall be filed with the comptroller of the city, and shall be a public record.

§ 2843. **Bond for performance of duties.** Each commissioner shall likewise, and within ten days of such election, execute bond in a sum of twenty-five thousand (\$25,000) dollars, payable to the city, with good security, to be approved by the mayor, conditioned that he will faithfully perform all duties of a park commissioner for the city, as prescribed by law; which bond shall, when approved by the mayor, be filed with the comptroller, and be a public record. For any violation by the principal in such bond of any duty as park commissioner, for any participation by him, directly or indirectly, in any contract or subcontract in respect of park property or the improvement thereof, or the furnishing of supplies of any kind therefor, suit may be maintained upon such bond as against the principal and sureties, such suit to be brought in the name of the city, and any recovery shall inure to the benefit of the fund for park purposes.

§ 2844. **Vacancies in board—how filled.** All vacancies in said board shall be filled by appointment by the board, or by election, in accordance with section 152 of the Constitution of Kentucky, and all commissioners now holding office shall continue to hold office until their successors are elected, and qualified, as provided herein.

§ 2845. **President and other officers—election—duties—compensation.** The commissioners shall annually, in November,

choose one of the board other than the mayor to be president of the board and another as vice-president; and the said board shall elect a secretary and treasurer, and such other officers and employes as may be necessary, and may fix their duties and prescribe their compensation, their term of office not to exceed one year. The board may exact bond, with security, from any officer or employe and fix the terms and penalty of such bond. The board may, in its discretion, intrust the duties of more than one office to one employe or officer, and may at any time dismiss or discharge any officer or employe. The compensation of all officers, including the president, shall not exceed in the aggregate ten thousand dollars per annum.

§ 2846. **Members—compensation—can hold no other office or interest in contract.** No member of the board of park commissioners, other than the president thereof, shall receive any compensation whatever, directly or indirectly, in respect to his services as member of the board, nor shall the president's salary exceed two thousand five hundred (\$2,500) dollars per annum; nor shall any member, save only the mayor of the city, hold any office of appointment or employment under the city, or any department of the city, or any institution thereof. Nor shall any member of the board be concerned in any contract with the board of park commissioners of the city, or any of its departments or institutions, either as contractor, sub-contractor, or party directly or indirectly interested.

§ 2847. **Members becoming disqualified.** If any member of said board cease to be a *bona fide* resident or housekeeper of the city, or incur any of the disqualifications mentioned herein, or become incapacitated to perform any of the duties of commissioner, or be found guilty of any felony or high misdemeanor, he shall immediately cease to be a member of said board.

§ 2848. **Powers and duties of commissioners.** The board, constituted as aforesaid, shall have the care, management and custody of all parks and grounds used for park purposes, all boulevards and parkways now belonging to the city, or to any existing board of park commissioners, or in the control of the city or existing board, and all such property as may hereafter be required for park purposes or public squares by the city or the board. The board shall have power to acquire and hold property for public parks and public squares by condemnation

or by contract for the same; to accept conveyances thereof; to receive gifts, donations, or devises of land or other property for park purposes to lay out and improve with walks, drives, roads, tree-planting, and other proper improvements the park or parks, square or squares, and other property held by it or acquired and managed, and to enter into contract for the same; to protect all property and improvements to it belonging or under its management or control from injury or decay; to adopt rules and regulations for the reasonable and proper use, and for preventing injuries to or misuse of all parks, public squares, boulevards, driveways, walks and park property generally; and to prevent disorder and improper conduct within the precincts of any park or inclosure, or upon any drive, walk or avenue under control of said board of park commissioners. The police power of the city shall extend over the said park property of every kind as the same is or as shall be acquired; and all violations of such park rules and regulations, and all other misdemeanors or offenses committed within any park property or precinct, shall be punished by the police court of the city on complaint and proceeding had, as provided by law in cases of misdemeanors and violations of city ordinances. The said commissioners and their agents and employes shall have power to make arrests for felonies or misdemeanors committed within any park precinct, or for violation of any park rules or regulations.

§ 2849. **Locating parks—powers and duties concerning.** In locating parks and such other property as may be acquired under this act, the board shall have regard to the needs of the different portions of the city and population thereof, and suitability of ground for park purposes, as well as the cost thereof. In and of all such matters said board shall have discretion, as also in the system of improvement of the same. The said board may acquire by purchase, gift or condemnation land for parkways connecting the parks, and may improve and regulate the use of the same.

§ 2850. **Acquiring property—exemption from taxation.** The board shall not be compelled to accept any gift or offer of land which, in its judgment, is unsuited for park purposes, or the improvement of which would entail an injudicious outlay. The title of all property acquired for park purposes shall vest in the board of park commissioners, and the same, with all the improvements and equipments, shall be held in strict and inviolable trust for public park uses, free from all taxation, impost, or assessment—State, county, district, municipal, or otherwise.

§ 2851. **Public squares—shade trees—conveyance of real estate to board.** The board shall, in like manner, hold, manage, control, and improve the public squares or areas within the city limits, and may acquire others by gift, contract, purchase, or condemnation, and for such it may prescribe rules and regulations; and all square or areas shall be deemed and treated as park precincts. It shall be competent for the city, an ordinance to that effect being first duly passed and approved, to convey to said board any real estate owned, to be held and managed by said board for park purposes. The said board shall also have the control and management of the planting and care of shade trees along the sidewalks or thoroughfares of the city.

§ 2852. **Condemnation of property.** Whenever, in the opinion of said Board of Park Commissioners, property shall be needed for any park purposes contemplated in this act, either within or beyond the boundaries of the city in the county in which such city is located, the said Board may, by resolution reciting such need, order the condemnation of such property, and proceedings for such condemnation shall be in the Jefferson Circuit Court, and conducted in the name of said Board by the city attorney. Such proceedings shall be commenced by petition and summons, and carried on as nearly as may be as actions at law by ordinary proceeding are conducted. Warning orders against non-residents, absent defendants or unknown owners of property shall be published at least three times in two daily papers published in such city, the last publication being at least ten days before the trial. In such proceedings for condemnation, the owners of district parts of any one general tract sought to be condemned may be included on one proceeding, or any one or more of them holding contiguous properties may be proceeded against in a separate action. The court in which such proceedings for condemnation is instituted shall make such orders, rules and judgments as will secure a fair trial by an impartial jury, which shall be summoned under order of court. Such jury shall consist of twelve free-holders of such city or county, and such trial for condemnation shall have precedence on the docket of the court, as soon as the parties are before the court and the issues made up. The jurors in such actions for condemnation shall be sworn to ascertain and determine truly and impartially by their verdict the amount of compensation

each owner will be entitled to receive if his land or property described in the petition be condemned. And in assessing damages to the owner of the property so condemned, it shall be competent for the jury to consider the benefits and advantages, if any, that to such owner will result from the proposed improvements, and to set off the same against such damages other than for the value of the property taken. The court in which such proceedings are instituted shall have the power to assign a day for the trial of the case as soon as the petition is filed. Upon return of the verdict of the jury, the court shall enter judgment vesting in the Board of Park Commissioners of the city, the title to the property described and condemned, the said judgment to take effect upon the payment into court by said Board of the amount of money named in the verdict, and the taxed costs of the proceedings, but said Board of Park Commissioners shall have sixty days within which to make said compensation and payment; and if the same be not made within such time, the said condemnation shall be deemed and treated as abandoned, and the verdict and judgment set aside, and proceedings dismissed at the cost of said Board; but without prejudice to any subsequent proceedings.

That no proceeding now pending and undetermined for the condemnation of property for park purposes shall be affected by this act, but the same shall be governed by existing laws. (*As amended by act of March 24, 1904.*)

§ 2853. **Tax for park purposes and expenses of board.** For the purpose of providing necessary funds for the purchase, care and improvements of park property, and to meet the expenses of the board, the general council of the city shall, in each year, levy and cause to be collected a tax of not less than five cents nor more than eight cents upon each one hundred dollars of value of all the property within the city taxable for municipal purposes, the same to be paid over to the board and received for by its president.

§ 2854. **Bonds for raising money—submission to voters.** For the purpose of raising money for the purchase or improvement

§ 2854. **Bonds—election.** In *Belknap v. City of Louisville*, 99 Ky., 474; 18 R., 313, the court held that it required two-thirds of those voting at the election, not merely two-thirds of those voting on the question to carry

a bond issue, but in *Montgomery Fiscal Court v. Trimble*, 20 R., 827; 104 Ky., 629, this case is overruled, and two-thirds of those voting on question is held sufficient.

of lands for park property, the general council of the city may, by ordinance, submit to the qualified voters of the city the question as to whether the city shall issue bonds, with interest coupons attached, to the amount and of the character set forth in such ordinances; and when such ordinance is passed, it shall, at the next November election be submitted to the qualified voters of the city; and if it receives assent of two-thirds of those voting, the bonds so voted shall be issued by the city, and delivered to the board of park commissioners.

§ 2855. **Board cannot anticipate or create charge upon future year.** The board shall never, to any extent or under any device, in one year, anticipate to create a charge upon the income of a future year; and no work done, or improvements made in any one year, shall be made a charge upon the income of a future year.

§ 2856. **Board to keep account—annual report to mayor.** The board shall keep accurate record and books of account, and shall, annually, in the month of November, transmit to the mayor a full and detailed report and statement of all its acts and doings for the preceding year, together with a complete and itemized account of all receipts and disbursements of money, and with an itemized estimate of the money needed for park purposes during the coming year. The books of account and record of the board shall at all times be open to the inspection of the mayor, and be subject to the same examination as the records of other municipal officers under section 2797 of the act for the government of cities of the first class.

§ 2857. **Special park police—provisions for.** The general council of the city may, from time to time, upon application therefor made by the board, provide by ordinance for special park police, the same to be under the control of the board of park commissioners, and to be paid by it.

§ 2858. **Park property—what included in the term.** The term park property includes all parks, squares, and areas of land within the management of said board; and all buildings, structures, improvements, seats, benches, fountains, walks, drives, roads, trees, plants, herbage, flowers, and other things thereon, and inclosures of the same; and all shade trees on streets and thoroughfares, resting places, watering stations, play grounds, parade grounds or the like, and all connecting parkways and roads or drives between parks; and all avenues, roads, ways, drives, walks, with all trees, shrubbery, vines,

flowers, and ornaments of any description; and all birds, animals, or curiosities, or objects of interest or instruction placed in or on any of such inclosures, ways, parkways, roads or places; and said terms shall be liberally construed.

§ 2859. **City attorney to give advice and render service.** All legal service or advice required by the board shall be rendered by the city attorney and his assistant without additional compensation.

SUBDIVISION IX.

Public Wharves.

§ 2860. 1. **Board of public works control—superintendent, assistant, and salaries.** That the wharves and landings of cities of the first class shall be under the care and control of the board of public works of said city, who shall fix and receive reasonable charges to be paid for the use of the same. They shall keep the said wharves and landings in order, shall employ and fix the compensation of all persons employed in connection with the care and control of the same; and said wharves shall be under the immediate care and control of a superintendent of public wharves, and an assistant superintendent of such wharves, to be appointed by the said board of public works, who shall prescribe the duties of said officers and fix their compensation as follows: The compensation of the superintendent of public wharves shall be not exceeding two thousand five hundred dollars per annum, and the salary of the assistant superintendent shall not be exceeding one thousand two hundred dollars per annum. The said board of public works shall appoint said officers as soon as practicable after the taking effect of this:

§ 2860. (1) **Authority to acquire property.** A city has no power to acquire property for wharf purposes unless it be expressly conferred by legislative grant. The city council, when charged with the duty of maintaining a wharf for public use, can not delegate its power to another. *Roberts v. City of Louisville*, 92 Ky., 95; 13 R., 406; *Bateman v. Covington*, 90 Ky., 390; 12 R., 384.

(2) **Control of wharf property.** "Commissioners of the sinking fund" of the city of Louisville, which is a distinct corporation created by that name for specified purposes, can not control the wharf property of the city, authority to do so not being given by the charter. *Roberts v. City of Louisville*, 92 Ky., 95; 13 R., 406; non-liability for state taxation, see note to sec. 2980.

law, and the said board of public works shall have the power to fill vacancies occurring in either of said offices.

2. **Lease of wharf property.** The said board of public works shall have the power to lease and receive the rentals from any portion of the wharf property not needed for wharf purposes for the time being; but all leases shall provide for their cancellation whenever the property leased is, in the judgment of the said board, required for wharf purposes.

3. **Receipts to be paid to city treasurer—disposition of.** All moneys that shall be collected for the use of wharves, landings, and leases, on any part of wharf property not needed for wharf purposes, and all other money or moneys received by the superintendent of public wharves from said wharves, landings, and leases, shall be paid into the treasury of the city at the end of each and every week, and placed by the treasurer to the credit of wharves. The salaries and expenses of operating the wharves and landings shall be paid out of said fund; and the net revenue derived from said wharves, landings, and leaseholds shall be placed by the city treasurer annually to the credit of the general purpose fund. *(This section originally part of the act of July 1, 1893, as amended by act of February 24, 1894, was repealed by act of February 28, 1902, and the sections as it now is—an act of February 28, 1902—is inserted in its place.)*

SUBDIVISION X.

Board of Public Safety.

§ 2861. **Three members—salary—what to have control of.** The board of public safety shall consist of three members. Each member of said board shall receive a salary of not less than two thousand five hundred dollars. The board shall have exclusive control, under the ordinances of the general council,

§ 2861. (1) **Police commissioners.** Act of 1868, providing for the organization of a police force for Louisville and Jefferson county, held valid. Dual characters and powers, *Commissioners v. Louisville*, 3 Bush, 597. This act is repealed by the present charter.

(2) See notes to secs. 2802, 2781.

Illegal Permit.

A building permit issued by the Building Inspector contrary to law may be cancelled by the Board of Safety, although work has been commenced under said permit. *O'Bryan v. Highland Apartment Co.*, 108 S. W., 257.

Any person whose property would be damaged by a building

of all matters relating to the fire department, the police department, the health department, the department of buildings, of the pounds, and prisons, and market places, and of all the charitable, reformatory, and penal institutionals of the city, including the city hospital, alms-house, city dispensary, the pest house, the city workhouse, and all other buildings and institutions of a similar character belonging to the city, or under the supervision and control thereof. Said board shall also have charge of the registration of births, marriages, and deaths within the city, and the collection and publication of such statistical information as may be useful or necessary.

§ 2862. **By-laws and rules for government of inmates of institutions—punishments.** The board may make by-laws and rules for the government of the inmates of its institutions, and may inflict proper but humane punishment in the enforcement thereof.

§ 2863. **Location of institutions by general council.** The general council may, by ordinance, locate any of its institutions upon land now owned by the city, or to be hereafter provided for that purpose, anywhere in the county in which said city is situated, or may authorize the board to select the location of said institutions within the county.

§ 2864. **Deduction from time of persons confined.** The board may, for good conduct, authorize deduction from the time of persons confined in the workhouse or any other penal institution.

erected under an unlawful permit may enjoin the erection of such building. *Id.*

A building regulation which prohibits the erection of a frame building within 60 feet of a permanent brick or stone building is valid. *Id.*

A provision in a building or-

dinance providing specifically the maximum length of a theater corridor is valid as not being unreasonable, and a permit granted by the Board of Public Safety allowing a longer corridor is void, the provisions of the ordinance being mandatory. *McGee v. Kennedy*, 114 S. W., 299.

SUBDIVISION XI.

Police and Fire Department.

(Fire Department, § 2896a.)

§ 2865. **Chief of police—chief of firemen—appointment of.** The commissioners of the board of public safety shall appoint a chief of policemen and a chief of firemen. (*See, further, as to fire department, sec. 2896 a.*)

§ 2866. **Qualification of employees of departments.** Excepting the chiefs and persons now employed in said departments, and persons who have been employed in said departments during the past five years, every officer or employe, shall, before appointment or selection, have the following qualifications:

1. He must read and write correctly and fluently the English language from dictation in the presence of examiners appointed by said Board.

2. He must pass a satisfactory examination on the charter and ordinances of the city, and such parts of the Constitution and statutes of the State as relate to the duties of his office.

3. He must be at least twenty-one years of age.

4. He must be of sound health and sufficiently strong to be active and able to discharge easily his duties; and,

5. He must be a resident and voter in the city.

§ 2867. **Manual of instruction to be furnished.** The board of public safety shall provide a manual of instruction for the study by persons who wish to acquire the necessary knowledge of the said ordinance, charter, statutes and Constitution.

§ 2668. **Chief of police to control police force—times of peril.** The chief of policemen shall have exclusive direction and control of the police force, subject to the rules, regulations and orders of said board of public safety. In times of peril, from riot, extensive conflagration, disorder, or the apprehension thereof, the chief of policemen shall be subordinate to the mayor, and obey his orders and directions.

§ 2865. **Pension fund** for firemen. Act of March 16, 1900, unconstitutional in so far as it undertook without consent of the municipality to impose a tax for

the benefit of firemen; the Legislature may delegate this power to the municipality. *McDonald v. City*, 24 R., 271; and see *City v. Thompson*, 24 R., 384.

§ 2869. **Powers of officers and employes of departments.** The officers and employes of said police departments shall possess all the common law and statutory powers of constables, except for the service of civil process.

§ 2870. **Commissioners may appoint special police.** Said commissioners may, in case of need, appoint special police to do special duty at any place within said city, and on such terms as they may deem proper; and these special policemen shall be governed by such rules and regulations as said commissioners may provide, and be given such powers as said commissioners allow; and in case no such rules are provided, they shall have the powers and duties of ordinary policemen.

§ 2871. **Assessments for political purposes forbidden—penalty.** No officer or policeman, or member of the fire department, shall be called on for any contribution or assessment by any superior or political organization or committee. No officer or member of said police or fire department, shall be allowed to solicit any contributions or funds, or to sell any tickets, or procure money by any devices from the public. Any person violating the provisions of this section shall be fined in a sum not exceeding one hundred dollars, or imprisoned for a period not exceeding two months or both so fined and imprisoned,

§ 2872. **Policemen not to receive gratuity for service.** No policeman or police officer shall be allowed, without the consent of the board in each case, to receive any money, or gratuity, or compensation, in addition to his salary, for any service he may render.

(Act of March 23, 1894.)

§ 2873. **Police—control by board of public safety.** The government, administration, disposition and discipline of the police department and police force shall be such as the board of public safety may, and is hereby authorized from time to time by rules, orders and regulations, prescribe, but in strict conformity to the provisions of "An act for the government of cities of the first class."

§ 2870. **Special police** may be appointed under authority of this section. City v. Young, 23 R., 1429.

§ 2874. **Rules and regulations—examination of charges—removal—copy of rules, evidence.** The board of public safety is authorized and empowered to make, adopt and enforce rules, orders, and regulations for the government, discipline, administration and disposition of the police department and police force and the members thereof. The board shall have power, and it is authorized to adopt rules and regulations for the examination, hearing, investigation and determination of charges made or preferred against members of the said police force, but no member or members of the police force (except as provided in this chapter) shall be fined, reprimanded, removed, suspended or dismissed from the police force, until written charges shall have been made or preferred against him or them, nor until such charges have been examined, heard and investigated before said board, upon such reasonable notice to the member or members charged, and in such manner of procedure, practice, examination and investigation as the said board of public safety may, by rules and regulations, from time to time, prescribe: *Provided, however,* That any member of the police force who is now or may hereafter become insane or of unsound mind, so as to be unable or unfit to perform full police service or duty, may be removed and dismissed from the police force by resolution of the board of public safety. A copy of the rules and regulations, or any or either of them, of the police department or board of public safety, passed or adopted by such board, may, when certified by the president of said board and the chief clerk of said police department or board, be given in evidence upon any trial, investigation, hearing or proceeding, in any court or before any tribunal, commissioner or commissioners, board or competent body, with the same force and effect as the original.

§ 2875. **Board of public safety—powers in compelling attendance of witnesses and in investigating charges.** The board of public safety shall have the power to issue subpoenas, tested in the name of the chairman, to compel the attendance of witnesses upon any proceedings authorized by law or its rules and regulations. The board of public safety is hereby authorized and empowered to investigate, take evidence and hear any charge or charges made or preferred against any member or members of the police force; but no judgment or other deter-

§ 2874. **Removal of Policemen**—limitation of action. *Gorley v. without notice or before charges* City, 104 Ky., 372; 20 R., 602; are preferred is unauthorized—see *Gorley v. City*, 23 R., 1782; recovery of salary after removal and note to sec. 2880.

mination shall be rendered or pronounced, dismissing, removing or suspending any member or members of said police force, or imposing any fine or forfeiture, unless a majority of the board of public safety shall concur.

§ 2876. **Ordinances enforced—information furnished.** The board of public safety shall at all times cause the ordinances of cities of the first class, not in conflict with law, to be properly enforced; and it shall be the duty of said board at all times, whenever consistent with the rules and regulations of the board and the requirements of this act, to furnish all information desired.

§ 2877. **Stations and station houses—business accommodations—patrol wagons and horses to be furnished.** The board of public safety may, from time to time, establish, provide and furnish stations and station-houses for the accommodation thereof of members of the police force, and as places of temporary detention for persons arrested; and it shall also provide and furnish such business accommodations, apparatus and articles, and provide for the care thereof, as shall be necessary for the department of police and the transaction of the business of the department. The said board of public safety is hereby authorized and empowered to furnish horses and wagons, to be known as patrol-wagons, to be assigned to police headquarters, which said horses and wagons shall be under the custody and care of said department and for the exclusive use thereof.

§ 2877a. 1. **Station-houses for female prisoners to be designated.** That within ninety days after the adjournment of the present General Assembly, the mayor of each city of the first class shall designate one or more station-houses within the said city for the detention of all female prisoners who may be properly detained in a station-house while awaiting trial, and said mayor may thereafter change the station-house or station-houses so designated: *Provided, however,* That at least one station-house shall always remain as a place in which female prisoners shall be detained, until they shall have been set at liberty, or removed by order of a competent court.

2. **Jail designated.** Where there shall be a county jail in said city of the first class, the mayor of said city shall also designate it as a place in which female prisoners may be detained awaiting trial, or after trial, until removed or set at liberty by the order of a competent court.

3. **Matrons to look after female prisoners to be appointed.** Immediately upon such designation of such station-house or

station-houses and county jail, if there be a jail in such city, the mayor of said city shall appoint for each of said station-houses and jail, two respectable women to care for and have supervision over the female prisoners in said places of detention. One of the women appointed by the mayor shall be called police matron, and she will be stationed at the jail, if there be a jail in the county, and there shall also be appointed by the mayor an assistant police matron for the jail, and two assistant police matrons for each of the station-houses which may have been designated by the mayor for the detention of female prisoners.

4. Matrons to be recommended by certain societies. No woman shall be appointed either police matron or assistant police matron, who has not been recommended to the mayor by a committee of women, composed of one woman selected by each of the following organizations, viz.: Home for Friendless Women, Flower Mission, Free Kindergarten Association, Humane Society, Charity Organization Society, City Federation of Women's Clubs, Kentucky Children's Home Society, District Women's Christian Temperance Union of Louisville, Kentucky, and Women's Christian Association. If all of said associations shall not appoint a representative on said committee, then the mayor shall make the appointments herein provided for, upon the recommendation of those of the said associations who do appoint a representative upon said committee.

5. Term of office of matrons. Neither the police matron nor assistant police matrons shall be appointed for any definite term, but they shall hold their positions until removed, which may be done at any time by the mayor, by a written order, stating the cause of such removal, and a copy of the order shall be furnished by the mayor to the committee above provided for. Upon the death, resignation, or removal of either of the women so appointed by the mayor, her successor shall be appointed in the manner aforesaid, within two days after a successor or successors shall have been recommended to the mayor by the committee provided for in section 4 of this act.

6. Hours of service and duties of matrons. The hours of service of the police matron and the assistant matrons shall be so arranged by the chief of police, that at least one of them shall at all hours of the day and night be on duty at each of the places in which there shall be one or more female prisoners detained. The police matron shall have, subject to the control of the chief of police, the entire care of women and children under arrest in station-house or jail, designated for female prisoners, and she may call upon a police officer or a jailer, or his deputy for assistance.

7. Rooms to be provided for matrons and female prisoners.

In every station or jail, in which a police matron or an assistant police matron serves, sufficient and proper accommodations shall be provided therein for women confined under arrest. There shall also be provided at said jail, and at each station-house designated for female prisoners a comfortable and suitable room or rooms which the police matron or the assistant police matron, as the case may be, may occupy; and if, in the opinion of such matron, the accommodations are not sufficient, or proper, she shall notify the mayor, and he shall provide the necessary and proper accommodations; the expense necessary therefor to be paid by the city.

8. Matron to be notified when female or child incarcerated.

Whenever in any city where a police matron should be appointed under this act, a woman or child is taken to the station-house or jail to which a police matron or an assistant police matron is attached, and she shall not be present at the time said woman or child is received, the keeper of said station or jail shall immediately notify her that such female, or child, is detained at said place.

9. Matron to have charge of assistant matrons. The police matron shall, subject to the chief of police, have charge of the assistant police matrons and shall instruct them as to their duties and shall see that they give proper care to the female prisoners under their charge.

10. Matrons to attend criminal courts—when. The police matron or one of the assistant police matrons shall attend the circuit court and police courts in said city whenever a female prisoner is brought before said courts, and she shall have charge of said women, subject to the orders of the court.

11. "Police station," "woman," meaning of words. The words "police station" shall be construed under this act to mean any place where persons are temporarily under arrest; the word "women" shall include any person of the female sex.

12. Matron to be present when female searched—salary of matron and assistants—expenses, how and by whom paid. Whenever it becomes necessary to search a female prisoner, it shall be done by or in the presence of the police matron, or an assistant police matron. The salary of the police matron shall be sixty-five dollars per month, and that of each of the assistant police matrons forty-five dollars per month. The expenses necessary for providing the proper accommodations for the police matron and assistant police matrons at the jail, and for sufficient and suitable accommodations for the female prisoners detained therein, as provided for in this act, and the salary

of the police matron and the assistant police matron at the jail, shall be borne by the city and county in which said jail is located, jointly, in the same way as other expenses are now apportioned between the county and city of the first class, and the expense necessary for providing a suitable room or rooms at each of the station-houses designated for the detention of female prisoners and the salary of each of the assistant police matrons at said station-houses, and the expense of providing suitable accommodations for said female prisoners, shall be borne by the city of the first class as other expenses in the police department are provided. (*This section is an act of March 10, 1898; the numbers of the sub-sections are the numbers of the sections of the act.*)

§ 2878. **Mounted patrols—teams and vehicles—board may dispose of the personal property of the department.** In rural and sparsely inhabited precincts the board of public safety may establish a mounted patrol, and procure and use and employ so many horses and equipments as shall be requisite for the purpose; and they may procure and cause to be used any teams and vehicles required, and may sell and dispose of, in accordance with law, any personal property owned or used in the department whenever it shall have become old and unfit and not required for service.

§ 2879. **Police to advise and report to board of safety.** It shall be the duty of the members of the police force to promptly advise the board of public safety of all threatened danger to human life or health, and of all matters thought to demand its attention, and to regularly report to said board of public safety all violations of its rules and ordinances and of the health laws, and all useful sanitary information under such rules as the board of public safety may provide.

§ 2880. **Police force—board to appoint—increase of—compensation—detectives.** The police force shall consist of one chief of police, with the rank of colonel; one assistant chief of police, with the rank of major; seven captains of police, fourteen lieutenants of police, twenty-two sergeants of police, one secretary of police, and patrolmen not exceeding one for each

§ 2880. **Policemen** — council may determine number of and reduce number of. Board of public safety can not. *Neumeyer v. Krakel*, 23 R., 190; and note sec. 2874.

The council may reduce the number of policemen by ordinance and a policeman removed to adjust the size of the police force to that required by the ordinance can not recover of the

seven hundred inhabitants. The board of public safety shall appoint all the members of the police force, and shall have power, and is authorized, to increase the police force by adding to the number of patrolmen, from time to time, provided the general council shall have previously made an appropriation for that express purpose. The board of general council may include in the annual tax levy an amount sufficient to provide for the compensation of additional patrolmen authorized to be appointed pursuant to the provisions of this section. The board of public safety shall maintain and continue a detective force, and shall select and appoint to perform detective duty, one of whom shall be chief of detectives, as many patrolmen as said board of public safety may, from time to time, determine to be necessary, to make this branch of the police force efficient. The patrolmen so selected and appointed shall be called detective sergeants, and shall, while performing such detective duty, be vested with the same authority and be entitled to receive and be paid such salary as policemen as the general council may, from time to time, provide.

But the board of public safety may, by resolution, reduce to the grade of patrolmen, and transfer such detectives, or any number of them, to perform patrol or other police duty, and, when so transferred, they shall only receive and be paid the same rate of compensation each as patrolmen of police. (*Section as amended March, 1906.*)

§ 2881. **Promotions by the board—order of—chief of police.** Promotions of officers and members of the police force shall be made by the board only on the grounds of meritorious police service and superior capacity, and shall be as follows: Sergeants of police shall be selected from among patrolmen; lieutenants of police from among sergeants; captains of police from among lieutenants, and major of police from among captains. But the chief of police may be appointed by said board as it may deem best.

city the salary which he would have received had he not been so removed. *Wagner v. City of Louisville*, 117 S. W., 283.

Where a police officer was wrongfully discharged, and his place was filled by the officers

remaining, some one of whom drew the salary which the officer would have received had he remained on the force, the officer could not recover from the city salary during the time he was discharged. *Id.*

§ 2882. **Reprimanding, suspending, dismissing, deducting or withholding pay of member of force—actions—limitation.** The board of public safety shall have power, in its discretion, on conviction by said board, or by any court or officer of competent jurisdiction, of a member of the force of any legal or criminal offense or neglect of duty, violation of rules, or neglect or disobedience of orders, or absence without leave, or any conduct injurious to the public peace or welfare, or immoral conduct or conduct unbecoming an officer, or other breach of discipline, to punish the offending party by reprimand, forfeiting and withholding pay for a specified time, suspension without pay during such suspension, or by dismissal from the force; but no more than thirty days' pay or salary shall be forfeited or deducted for any offense. The board is also authorized and empowered, in their discretion, to deduct and withhold pay, salary or compensation from any member or members of the police force, for, or on account of absence for any cause, without leave, lost or sick time, sickness or other disability, physical or mental; and said board is authorized, from time to time, to make and prescribe rules and regulations to carry into effect and enforce the provisions of this section. No action, suit or proceeding, either at law or in equity, shall be commenced or maintained against the city, board of public safety, or any member thereof, or against the mayor, or member or members of the general council, by any member or officer, or former member or officer of, or belonging to, the police force or department of said city, to recover or compel the payment of any salary, pay, money or compensation for, or on account of any service or duty, or to recover any salary, compensation, or moneys, or part thereof, forfeited, deducted or withheld for any cause, or to restore or reinstate to the police force or department, any member or officer thereof, unless such action, suit or proceeding shall be commenced within six months after the cause of action shall have accrued.

§ 2882. (1) **Removal of policeman**—without notice or before charges preferred is unauthorized—recovery of salary after removal. *Gorley v. City*, 104 Ky., 372; 20 R., 602; and see *Gorley v. City*, 23 R., 1782.

(2) **Unconstitutional.** So much of this section as fixes a six months' statute of limitation is held to be unconstitutional in *Gorley v. City of Louisville*, 20 R., 602; 104 Ky., 372.

(3) **Appointive city officers** cannot by statute be given a term longer than four years; and therefore it would seem that Ky. St., secs. 2874, 2882, providing, in effect, that policemen shall not be removed by the board of safety during good behavior, are void to the extent that they attempt to give a term of more than four years. *Neumeyer v. Krakel*, 62 S. W., 518; 110 Ky., 624; 23 Ky. Law Rep., 190.

§ 2883. **Forfeiture of salary—absence without leave—dismissal—leave of absense.** No member of the police force, under penalty of forfeiting the salary or pay which may be due him, shall withdraw or resign, except by permission of the board of public safety. Absence without leave of any member of the police force for five consecutive days shall be deemed and held to be a resignation, and the member so absent shall, at the expiration of said period, cease to be a member of the police force, and be dismissed therefrom without notice: No leave of absence exceeding twenty days in one year, shall be granted or allowed any member of the police force.

§ 2884. **Salary of officers and members of police force—payable monthly.** The board of public safety shall designate the salary and compensation for each member and officer of said police force, and may fix the salaries and compensations of such clerks and employes, other than policemen, whom they shall be authorized by law to employ, subject, however, to the gross amount of the appropriation made by the general council for the support of said department. The compensation of the members of the police force shall be payable monthly by pay-rolls as provided by ordinances.

§ 2885. **Duties of the police force.** It is hereby made the duty of the police force, at all times of day and night and the members of such force are hereby thereunto empowered, to especially preserve the public peace, prevent crime; detect and arrest offenders; suppress riots, mobs and insurrections; disperse unlawful or dangerous assemblages, and assemblages which obstruct the free passage of public streets, sidewalks, parks and places; protect the rights of persons and property; guard the public health; preserve order at elections and all public meetings and assemblages; prevent and regulate the movements of teams and vehicles in streets, and remove all nuisances in the public streets, parks, highways; arrest all street mendicants and beggars; provide proper police attendance at fires; assist, advise and protect immigrants, strangers and travelers in public streets, at steamboat landings and at

§ 2884. **Salary designated by Board of Safety.** Neumeyer, Auditor, v. Krakel, 23 R., 190.

§ 2885. **Policemen's powers in making arrests.** Policemen under the provisions of the charter may, with or without a warrant,

arrest a person guilty of offenses against the laws or ordinances of the city. Jamison v. Gaernett, 10 Bush, 221. Policemen making arrests for felonies act as officers of the State, and not as officers of the city. Pollock v. Louisville, 13 Bush, 221.

realroad stations; carefully observe and inspect all places of public amusement, all places of business having excise or other licenses to carry on any business; all houses of ill-fame or prostitution, and houses where common prostitutes resort or reside; all lottery offices, policy shops, and places where lottery tickets or lottery policies are sold or offered for sale; all gambling houses, cock-pits, rat-pits, and public common dance houses, and to repress and restrain all unlawful or disorderly conduct or practices therein; enforce and prevent the violation of all laws and ordinances in force in said city; and for these purposes, with or without warrant, to arrest all persons guilty of violating any law or ordinances for the suppression or punishment of crimes or offenses.

§ 2886. **Supervision over pawnbrokers and other licensed and unlicensed business.** The chief of police and each captain of police within his district shall possess powers of general police supervision and inspection over all licensed or unlicensed pawnbrokers, venders, junkshopkeepers, junk boatmen, cartmen, dealers in secondhand merchandise, intelligence office keepers and auctioneers within the city; and in the exercise of and in furtherance of said supervision may, from time to time, empower the members of the police force to fulfill such special duties in the aforesaid premises as may be, from time to time, ordained by the board of public safety. The said chief and each captain within his district may, by authority in writing, empower any member of the police force, whenever such member shall be in search of property feloniously obtained, or in search of suspected offenders or evidence to convict any person charged with crime, to examine the books of any pawnbroker, or his business premises, or the business premises of any licensed vender, or licensed junk-shop keeper, or dealer in second-hand merchandise, or intelligence office keeper, or auctioneer, or boat of any junk boatmen. Any such member of the police force, when thereto authorized in writing, by the said chief or captain, shall be authorized to examine property alleged to be pawned, pledged, deposited, lost or stolen, in whosoever possession said property may be; but no such property shall be taken from the possession thereof, without due process or authority of law. Any willful interference with the said chief or captain of police, or with any member of the police force, by any of the persons hereinbefore named in this section, whilst in official discharge of duty, shall be punished as a misdemeanor.

§ 2887. **Examination of pawnbroker's books or tickets.** The chief of police and persons acting by his orders shall have

power to examine the books of any pawnbroker, his clerk or clerks, if they deem it necessary, when in search of stolen property; and any person having in his possession a pawnbroker's ticket shall, when accompanied by a policeman, or by an order from the chief of police or captain of police, examine the property purporting to be pawned by said ticket; but no property shall be removed from the possession of any pawnbroker without the process of law required by the existing laws of this State, or the laws and ordinances of the city regulating pawnbrokers. A refusal or neglect to comply in any respect with the provisions of this section on the part of any pawnbroker, his clerk or clerks, shall be deemed a misdemeanor and punishable as such.

§ 2888. **Property clerk—stolen, lost or abandoned property—public pound.** The board of public safety may employ some person as clerk, who shall be designated property clerk, to take charge of all property alleged to be stolen or embezzled, and which may be brought into the police office, and all property taken from the person of a prisoner, and all property or money alleged or supposed to have been feloniously obtained, or which shall be lost or abandoned, and which shall be taken into the custody of any member of the police force or criminal court, or which shall come into the custody of any police officer, shall be by such member, or by order of said court, given into the custody of and kept by the property clerk of the police department. All such property and money shall be particularly described and registered by said property clerk in a book kept for that purpose, which shall contain the name of the owner, if ascertained, the place where found, the name of the person from whom taken, with the general circumstances, the date of its receipt, the name of the officer recovering the same, a description thereof, the names of all claimants thereto, and any final disposition of such property or money. The board of public Safety may prescribe regulations in regard to the duties of the clerk so designated, and require and take security for the faithful performance of the duties imposed by this section; but all animals strayed, lost or stolen, which shall come into the possession of said property clerk, shall by him be transferred and sent to the public pound in said city, anything herein contained to the contrary notwithstanding.

§ 2889. **Property taken on suspicion transmitted to property clerk—advertisement.** All property or money taken on suspicion of having been feloniously obtained, or being the proceeds of crime, and for which there is no other claimant

than the person from whom such property was taken, and all lost property coming into the possession of any member of the said police force, and all property and money taken from pawn-brokers as the proceeds of crime, or by any such member from persons supposed to be insane, intoxicated, or otherwise incapable of taking care of themselves, shall be transmitted as soon as practicable to the property clerk, to be registered and advertised for the benefit of all persons interested, and for the information of the public, as to the amount and disposition of the property so taken into custody by the police.

§ 2890. **Unclaimed property—disposition of.** If property stolen or embezzled be not claimed by the owner before the expiration of six months from the conviction of a person for stealing or embezzling it, the officer having it in his custody, must, on payment of the necessary expenses incurred in its preservation, deliver the same to the property clerk. The property so delivered to said property clerk, and all such other property, securities, moneys, things, or choses in action, that shall remain in the custody of the property clerk for a period of six months, without any lawful claimant thereto, after having been advertised for the period of ten days, may be sold at public auction, in a suitable room to be designated for such purpose, and the proceeds of such sale shall be paid into the city treasury to the credit of the police department. No property shall be delivered to the property clerk except as provided in this act.

§ 2891. **Property or money used as evidence—proceedings.** If any property or money placed in the custody of the property clerk shall be desired as evidence in any police or other criminal court, such property shall be delivered to any officer who shall present an order to that effect from such court. Such property, however, shall not be retained in said court, but shall be returned to such property clerk to be disposed of according to the previous provisions of this chapter.

§ 2892. **Private policeman — appointment — qualification —bond—duties.** The board of public safety shall, on application of any person or persons, appoint any number of private policemen to do duty at any place within the city, at the charge and expense of the person or persons by whom such application is made; and said private policeman shall have the same qualifications as to citizenship as members of the regular police force, and said private policemen, so appointed, shall take an oath of office and shall furnish bond in the same manner as patrolmen, and shall wear such dress and insignia

of office as the board of public safety may direct. Said private policemen shall hold their appointment during good behavior. While holding such appointment they shall be restricted in the performance of their duties to the particular place and locality to which they may be appointed.

§ 2893. **Qualifications of members of police force.** Each member and officer of the police force hereafter appointed shall be an elector and shall have been a resident for three years in the city in which he is appointed. No person shall be appointed a member or officer of the police force unless he is well known to be a man of sobriety and integrity, and has been and is an orderly and lawabiding citizen. No man shall be appointed a member or officer of the police force who has been convicted of any felony, or who has been engaged in any unlawful calling, or has pursued any calling in a manner forbidden by law; nor shall any person be appointed a member or officer of said force on account of any political partisan service rendered by him; nor shall any officer or member of said force be removed, or discharged, or reduced in grade or pay for any political reasons. Their appointment and continuance upon the police force shall depend absolutely upon their ability and their willingness to enforce the law.

§ 2894. **Oath and bond of members of force.** Each officer and member of the police force, private policeman, special policeman and substitute policeman, before entering upon the discharge of his duties, shall take an oath before the mayor, who is hereby empowered to administer the same, to well and faithfully discharge the duties of his office, which oath shall be subscribed by the person taking it and shall be filed for preservation in the office of the board of public safety. All bonds for the police force shall be signed by at least two freeholders as sureties, who shall prove to the satisfaction of the board of public safety that they own real estate within the county in which such city is located.

§ 2895. **Examination and inspection of force—proof of inefficiency.** It shall be the duty of the board of public safety, at least one in each year, to require the examination and inspection of the entire police force, and for this purpose the board of public safety may appoint such of its members as examiners as it may select. The board of public safety may order any officer or member of the force, at any time, to be inspected and examined. Gross ignorance of the laws and regulations governing and directing the police force, and of ordinances of cities of the first class, after six months' service

as officer or member, or at any time thereafter, shall be deemed conclusive proof of inefficiency, and said board may remove such officer or member of the force.

§ 2896. **Exemption from military or jury duty or civil process—political organization.** No member of the police force shall be liable to military or jury duty, or to arrest on civil process, nor to be served with subpoenas from civil courts while actually on duty, nor shall any member of said force belong to any political organization.

FIREMEN'S PENSION FUND.

(Act of February 19, 1902.)

(The first section of this act, which is omitted, repealed an act of March 16, 1900, and said act is omitted.)

§ 2896a. 2. **Amendment.** That an act entitled "An act for the government of cities of the first class," approved July the first, eighteen hundred and ninety-three, be amended by adding thereto the following:

3. **Fire department under control of board of public safety.** That the government, administration, disposition and discipline of the fire department, and the officers, members and employes thereof, shall be such as the board of public safety may, and is hereby authorized from time to time by rules, orders, and regulations not in conflict with this act, to prescribe.

4. **Government of department—punishment of members—evidence.** The board of public safety is authorized and empowered to make, adopt and enforce rules, orders and regulations, not in conflict with this act, for the government, discipline, administration and disposition of the fire department, and the officers, members and employes thereof. The board shall have power, and it is authorized, to adopt rules and regulations for the examining, hearing, investigation and determining of charges made or preferred against members of the fire department or employes thereof; but no officer, member, or em-

§ 2896a. The act of March 16, 1900, was held unconstitutional in *McDonald v. City*, 24 R., 271.

Sub-sec. 22. The courts cannot review the action of the Board

of Trustees of the Firemen's Pension Fund in refusing to grant a pension. Board of Trustees of Firemen's Pension Fund v. McCrory, 116 S. W., 326.

ploye thereof (except as provided in this act) shall be fined, reprimanded, removed, suspended or dismissed from the fire department until written charges have been made or preferred against him or them, nor until such charges have been examined, heard and investigated before said board, upon such reasonable notice to the member or members charged, and in such manner of procedure, practice, examination, and investigation as the said board of public safety may, by rules and regulations, from time to time prescribe: *Provided, however,* That any officer, member, or employe of the fire department who is now or may hereafter become insane or of unsound mind, so as to be unable or unfit to perform full fire service or duty, may be removed or dismissed from the fire department by resolution of the board of public safety.

A copy of the rules and regulations, or any or either of them, of the fire department or board of public safety, may, when certified by the chairman or president of said board, and the chief clerk of said fire department or board of public safety, be given in evidence upon any trial, investigation, hearing, or proceeding of any court or before any tribunal, commissioner or commissioners, board or competent body, with the same force and effect as the original.

5 Board may summon witnesses—trials—judgment. The board of public safety shall have power to issue subpoenas, attested in the name of the chairman or president, to compel the attendance of witnesses upon any proceeding authorized by law or its rules and regulations. The board of public safety is hereby authorized and empowered to investigate, take evidence, and hear any charge or charges made or preferred against any member or members of the fire department, but no judgment or other determination shall be rendered or pronounced, dismissing, removing, or suspending any officer, member or employee of said fire department, or imposing any fine or forfeiture, unless a majority of the board of public safety shall concur.

6. Board to provide equipment for department. The board of public safety may from time to time, establish, provide, and furnish engine houses, and shall also provide and furnish such accommodations, apparatus, and articles, and provide for the care thereof as shall be necessary for the fire department and the transaction of the business of said department. The board of public safety is hereby authorized and empowered to furnish all kinds of apparatus, wagons, horses, and other necessary equipments for such houses. Which apparatus, wagons, horses, and other necessary equipments shall be under

the control and care of said fire department, and for the exclusive use thereof.

7. Officers and men and their salaries. The fire department shall consist of one chief, whose salary shall not be less than three thousand and five hundred dollars per year; one secretary for the fire department, whose salary shall not be less than one thousand and eight hundred dollars per year; assistants chiefs of firemen, not exceeding in number one to each six companies in active service, and the salary of each assistant chief shall not be less than one thousand and eight hundred dollars per year; one captain for each fire company, whose salary shall not be less than ninety-five dollars per month; one chief operator for the fire alarm telegraph, whose salary shall not be less than one thousand and five hundred dollars per year; one master mechanic or superintendent of machinery, whose salary shall not be less than one hundred dollars per month; one driver for each apparatus in service, whose salary shall not be less than two dollars and twenty-five cents per day; one stoker for each steam fire engine in service, whose salary shall not be less than two dollars and twenty-five cents per day; one engineer for each steam fire engine in service, whose salary shall not be less than ninety dollars per month; not less than two pipemen for each steam fire engine company, the salary of each not to be less than two dollars and fifty cents per day; seven laddermen for each hook and ladder company, the salary of each to be not less than two dollars and fifty cents per day; not less than two tower men for each water tower company, whose salary shall not be less than two dollars and fifty cents per day; not less than two pipemen for each combination chemical and hose company, the salary of each not to be less than two dollars and fifty cents per day; not less than two hydrant men, each of whom shall receive a salary of not less than two dollars and fifty cents per day; not less than four fire alarm operators, the salary of each to be not less than two dollars and fifty cents per day; one aid to chief, whose salary shall be no less than two dollars and fifty cents per day; one foreman of repair shop, whose salary shall not be less than ninety dollars per month; not less than one employe, who shall be a mechanic, of the repair shop, whose salary shall not be less than two dollars and fifty cents per day; not less than one fire department painter, whose salary shall be no less than two dollars and fifty cents per day; not less than two pipemen for each chemical engine company, the salary of each not to be less than two dollars and fifty cents per day; not less than four linemen for fire alarm telegraph, each to receive a salary of

not less than two dollars and fifty cents per day; no less than one battery-man, whose salary shall not be less than two dollars and fifty cents per day. There shall not be less than one harness maker, whose salary shall not be less than two dollars and fifty cents per day. There shall be not less than one substitute fireman for each company.

8. Firemen may be increased. The board of public safety may, upon the recommendation of the chief of firemen, increase the number of firemen to such number as may, in his or their wisdom, be necessary to the efficiency of said department.

9. Board to appoint all members—qualifications. The board of public safety shall appoint all officers, members and employes of the fire department. No person shall be eligible to serve as chief of firemen, or assistant chief of firemen, who has not been a member of said department continuously for five years previous to his appointment or election.

No person shall be a captain of any fire company who has not been a member of said department for three years, one year of which shall have been continuously previously to his appointment. All promotions in the fire department shall be for merit, such promotions to be made only upon recommendation of the chief of firemen.

10. Punishment of members guilty of offenses. The board of public safety shall have power in its discretion on conviction by said board, or by any court or officer of competent jurisdiction, of any officer, member or employe of the fire department, of any legal or criminal offense, or neglect of duty, violating of rules, or neglect or disobedience of orders, or absence without leave, or conduct unbecoming an officer, member or employe, or other breach of discipline, to punish the offending party by reprimand, forfeiting and withholding pay for a specified time, suspension without pay during such suspension, or by dismissal from the force; but not more than thirty day's pay or salary may be forfeited or deducted for any offense.

11. Deduction of salary—rules of board. The board is also authorized and empowered, in their discretion, to deduct and withhold pay, salary, or compensation from any officer, member, or employe of the fire department for or on account of absence for any cause without leave, sickness, or other disability, physical or mental. Said board is authorized from time to time to make and prescribe rules and regulations to carry into effect and enforce the provisions of this section.

12. Absence of member—penalty—leave of absence. Absence without leave, or without total disability of any officer,

member, or employe of the fire department for five consecutive days shall be deemed and held to be a resignation, and the members so absent shall, at the expiration of said period, cease to be an officer, member or employe of the fire department, and be dismissed therefrom without notice. No leave of absence shall be granted or allowed any officer, member, or employe of the fire department without the recommendation or approval of the chief of said department.

13. Compensation of other employes—payment of salaries. The board of public safety shall designate the salary and compensation of any other persons than those mentioned in this act whom they shall be authorized by law to employ, subject, however, to the gross amount of the appropriation made by the general council for the support of said department. Compensation of the officers, members and employes of the fire department shall be payable monthly by pay-roll, as provided by ordinance.

14. Privileges of members. No officer, member, or employe of the fire department shall be liable for military or jury duty, or to arrest on civil process, nor to be served with subpoenas from civil courts while on duty at a fire.

15. Penalty for interfering with when on duty. The officers, members and employes of the fire department, with their apparatus of all kinds when on duty, shall have the right of way at any fire and in any highway, street or avenue, over any and all vehicles of any kind, except those carrying United States mails, and any person in or upon or owning any vehicles, who shall refuse the right of way, or in any way willfully obstruct any fire apparatus, or any of its said officers, members or employes while in the performance of their duties, shall be guilty of a misdemeanor, and liable to punishment for the same.

16. Firemen's pension fund—who compose. There shall be organized in connection with said department a board to be known as the board of trustees of the firemen's pension fund, which shall be composed of the mayor, chairman of board of public safety, city treasurer, chief fireman, and comptroller, and said board shall select from their number a president and a secretary. The city treasurer shall be *ex-officio* treasurer of said board and the funds coming into his hands.

17. Taxation for pension fund—other resources—investment of fund. There may be levied and set apart by the general councils of cities of the first class a tax for the year nine-

teen hundred and three, not exceeding one cent on each one hundred dollars of value of the taxable property in said cities for said year as a fund for the pensioning of crippled and disabled members of the fire department, and of the widows and dependent children under the age of fourteen years, and dependent fathers and mothers of deceased members of the fire department of said cities, and a like tax may be levied and set apart for the same purpose, for any succeeding year when the amount and value of property to the credit of the firemen's pension fund falls below three hundred thousand dollars as of the date of the first of September, preceding; that is, if, during any year succeeding nineteen hundred and two, there shall be to the credit of the firemen's pension fund on September 1, property and funds of less value than three hundred thousand dollars, then the general council of cities of the first class may levy and set apart for the year succeeding a tax of one cent on each one hundred dollars of value of the taxable property in said cities where said condition occurs for said years as a fund for the purpose herein defined. And all moneys withheld from the officers, members or employes of the fire department as punishment of any breach of discipline, misconduct or violation of the rules and regulations for said department shall be paid into said fund each month and credited upon the pay-roll of the department, payable to said fund for that purpose; and all fines imposed by the board of public safety upon officers, members or employes of the fire department, by way of discipline, and collectible from pay or salary, and all rewards, fees, proceeds of gifts and emoluments that may be paid or given on account of extraordinary service of any officer, member or employe of the department (except when specially allowed by the board of public safety to be retained by such members) shall be paid into the treasury to the credit of the firemen's pension fund. The payment so made, together with the tax levy aforesaid, shall constitute and be kept as a fund, to be called the firemen's pension fund, and the said board heretofore designated is hereby declared to be the trustee of said fund, and they shall have power, and it shall be their duty, from time to time, to invest the same, in whole or in part, as they shall deem most advantageous for the object of the said fund; and they are empowered to make all the necessary contracts and to take all the necessary remedies in the premises.

18. Control of fund—assessment of members. Said board shall have exclusive control and management of the said fund, and all moneys donated, paid, or assessed for the relief or pensioning of disabled members of the fire department, their

widows and dependent children under the age of fourteen years, or dependent fathers and mothers, and may assess each member of the fire department one per centum of the salary of such member, to be deducted and withheld from the monthly pay of each member so assessed, the same to be placed by the treasurer of each city to the credit of such fund, subject to the order of such board.

19. Pension board—powers of. The said board shall have all needed rules and regulations for its government in the discharge of its duties, and shall hear and decide all applications for relief or pensions under this act, and its decisions on such applications shall be final and conclusive, and not subject to revision or reversal, except by said board, and a record shall be kept of all the meetings and the proceedings of said board.

20. Investment of fund. The said board of trustees shall have power to draw such pension fund from the treasury and may invest the same, or any part thereof, in the name of the board of trustees of the firemen's pension fund, in interest-bearing bonds of the United States or the State of Kentucky, or any city of the first class in the State of Kentucky, and all such securities shall be deposited with the treasurer of said city, as ex-officio treasurer of said board, and shall be subject to the order of said board.

21. Whole fund devoted to pensions. Both the principal and interest of said pension fund shall be applicable to the payment of pensions under this act.

22. Beneficiaries of fund—amount of pension. If any officer, member, or employe of the fire department, while in the performance of his duty, becomes temporarily totally disabled, physically or mentally, for service by reason of service in such department, the board of trustees shall order the payment to such disabled officer, member or employe, monthly, during such disability, not to exceed one year, from such pension fund, a sum equal to the monthly compensation allowed such officer, member, or employe as salary at the date of his disability, provided such officer, member or employe, during the same period, is paid no salary as such officer, member or employe. If any officer, member or employe of the fire department, while in the performance of his duty, becomes mentally or physically permanently disabled by reason of service in such department, so as to render necessary his retirement from service in said department, said board of trustees shall retire such disabled member from service in such fire department: *Provided*, No such retirement on account of disability shall occur unless said member has contracted said disability while in the service of said

fire department; and upon such retirement the board of trustees shall order the payment to such disabled member of such fire department, monthly, from such pension fund, a sum equal to one-half of the monthly compensation allowed to such officer, member or employe as salary at the date of his retirement. If any member of said fire department shall, while in the performance of his duty, be killed, or dies as the result of an injury received in the line of his duty, or of any disease contracted by reason of his occupation, or shall die from any cause whatever as the result of his services in said department, and while in said service, or after having served in the department for fifteen consecutive years shall die while in the service or on the retired list from any cause, and shall leave a widow, or child or children under the age of fourteen years, or, if unmarried and childless, shall leave a dependent father or mother surviving, said board of trustees shall direct the payment from said pension fund, monthly, to such widow, while unmarried, of thirty dollars, and for each child until it reaches the age of fourteen years, six dollars, and to the dependent father and mother, if said deceased member was unmarried and childless, thirty dollars, the pension to the father and mother to be paid as follows: If the father be dead, the mother shall receive the entire thirty dollars, and if the mother be dead, the father shall receive the entire thirty dollars, and if both be living, each shall receive fifteen dollars.

23. Deficit in fund—how equalized. If, at any time, there shall not be sufficient money in such pension fund to pay each person entitled to the benefit thereof the amount per month as herein provided, then an equal percentage of such monthly payments shall be made to each beneficiary until the said fund shall be replenished to warrant the payment in full to each of said beneficiaries.

24. Retirement of fireman—pension. Any member of the fire department of such cities having served twenty years or more consecutively in such fire department may make application to be relieved from such fire department, and if his application is granted, the said board of trustees shall order and direct that such persons be paid a monthly pension equal to one-half the amount of the salary said person is or was in receipt of as a member of said department at the time of granting application.

25. Funeral expenses paid. Whenever an active or retired fireman shall die as aforesaid, the board of trustees may appropriate from the fund a sum not exceeding one hundred dollars to the widow or family for funeral expenses, and may ex-

pend a sum not exceeding fifty dollars for the expenses of the attendance of the firemen at said funeral.

26. Who entitled to receive pension. No person shall be entitled to receive any pension from the said fund except a regularly retired member or a regular member in said fire department, his widow and children under the age of fourteen years, and his dependent father or mother.

27. Treasurer of fund—bond of. The treasurer of the board of trustees shall be the custodian of said pension fund, and shall secure and safely keep the same, subject to the control and direction of the board, and shall keep his books and accounts concerning said fund in such manner as may be prescribed by the board, and the said books and accounts shall always be subject to the inspection of the board or any member thereof. The treasurer shall, within ten days after his election or appointment, execute a bond to the city, with good and sufficient surety, in such penal sum as the board shall direct, to be approved by the board, conditioned for the faithful performance of the duties of his office, and that he will safely keep and well and truthfully account for all moneys and properties which may come into his hands as such treasurer, and that, upon the expiration of his term of office, he will surrender and deliver to his successor all bonds, securities, and all unexpended moneys or other properties which may have come into his hands as treasurer of said fund. Said bond shall be filed in the office of the comptroller as other bonds, and may be sued on in the name of said city, for the use of said board, or in the name of said board, or any person or persons injured by a breach thereof.

28. Warrants on fund. It shall be the duty of such officer or officers of the city as are designated by law to draw warrants on the treasurer of said city, on request in writing by said board of trustees, to draw warrants on the treasurer of said city, payable to the treasurer of said board of trustees, for all funds belonging to said pension fund as aforesaid.

29. Payment of money. All moneys ordered to be paid from said pension fund to any person or persons shall be paid by the treasurer of the board of trustees only upon warrant signed by the president of said board and countersigned by the secretary thereof, and no warrant shall be drawn except by order of the board after having been duly entered on the records of the proceedings of the board.

30. Reports to council. The board of trustees shall make a report to the general council of said city of the condition of said pension fund on the last meeting night in August in each and every year.

31. **Exemption of fund from legal process.** No portion of said pension fund shall, before or after its order for distribution by the board of trustees to the persons entitled thereto, be held, seized, taken, subjected to, or detained or levied upon by virtue of any attachment, execution, injunction, writ, interlocutory or other order or decree, or any process or proceeding whatever issued out of or by any court of this State for the payment of satisfaction in whole or in part of any debt, damage, claim, demand or judgment against the beneficiary of said fund; but said fund shall be held and distributed for the purposes of this act, and for no other purpose whatever.

32. **City attorney to advise and represent.** It shall be the duty of the attorney of cities of the first class to give advice to the board of trustees of the firemen's pension fund in all matters pertaining to their duties and management of said fund whenever thereunto requested, and he shall represent and defend said board as its attorney in all suits at law or in equity that may be brought against it, and bring all suits and actions in its behalf that may be required or determined upon by said board.

33. **Existing pensions continued.** All persons who are now on the pension roll receiving pensions from the firemen's pension fund, as now constituted, shall be continued on the pension roll under this act, and shall receive pensions hereafter of like amount, and under like limitations, as they now respectively enjoy. (*The numbers of the subsections are the numbers of the sections of the act.*)

Policemen's Pension Fund.

§ 2896b. 1. **Policemen's pension fund.** That, in the month of July, in the year nineteen hundred and four, there shall be organized in connection with the police department in all cities of the first class in this Commonwealth, a board to be known as the board of trustees of the policemen's pension fund, which board shall be composed of the mayor, the chairman of the board of public safety, the city treasurer, the chief of police and the comptroller, and said board shall select from its members a president and secretary. The city treasurer shall be ex-officio treasurer of said board, and the funds coming into his

§ 2896b. **A policeman who accidentally shot himself** while at home and off duty was not shot while in the line of duty and his

widow is not entitled to a pension. *McAuliffe v. Board of Trustees of Policemen's Pension Fund*, 115 S. W., 808.

hands. The members of said board shall continue members thereof until their respective successors are elected, or appointed, and qualified.

2. There may be levied and set apart by the general councils of all cities of the first class in this Commonwealth, for the year nineteen hundred and five, a tax of not more than one cent on each one hundred dollars of value of the taxable property in said cities for said year, as a fund for the pensioning, as hereinafter provided of members of the police department, and the families of deceased members thereof in said cities, and a like tax may be levied and set apart for the same purpose for each succeeding year until said fund shall have reached the sum of three hundred thousand dollars as of date the first of September, preceeding, in which event the levy of said tax shall cease; but should said fund thereafter, as of the first of September in any year, fall below the sum of three hundred thousand dollars, then said tax may be levied for the next succeeding year and for each year thereafter until said fund shall have again reached the sum of three hundred thousand dollars as of the first of September immediately preceeding the time of making the usual tax levy in said cities, it being one of the purposes of this act to permit the amount of said fund to be kept at all times as near as possible to three hundred thousand dollars. All moneys withheld from officers, members or employes of the police department as punishments for any breach of discipline, misconduct or violation of the rules and regulations of said department shall be paid into said fund each month and credited upon the pay-roll of the department, payable to said fund for that purpose, and all fines imposed by the Board of Public Safety upon officers, members or employes of the police department, by way of discipline, and collectible from pay or salary, shall be paid into the treasury to the credit of said fund. Donations may also be made to said fund by gift or devise. Such donations, together with the payments aforesaid and the tax levy aforesaid, shall constitute and be kept as a fund to be called the Policemen's Pension Fund, and the board hereinbefore designated is hereby declared to be the trustee of said fund, and it shall have power and it shall be its duty, from time to time, to invest the same, in whole or in part, as it shall deem most advantageous for the objects of the said fund; and it is empowered to take all necessary remedies in the premises.

3. Said board shall have exclusive control and management of said fund, and may assess each member of the police department one percentum of the salary of such member, to be deducted and withheld from the monthly pay of each member

so assessed, the same to be placed by the treasurer of each city of the first class to the credit of such fund, subject to the order of such board.

4. Said board shall make all needful rules and regulations for its government in the discharge of its duties, and shall hear and decide all applications for relief or pension under this act, and its decisions on such applications shall be final and conclusive, and not subject to review, revision or reversal, except by said board, and a record shall be kept by its secretary of all the meetings and proceedings of said board.

5. Said board of trustees shall have power to draw said pension fund from the treasury and may invest the same or any part thereof, in the name of the board of trustees of the Policemen's Pension Fund, in interest bearing bonds of the United States, or State of Kentucky, or any city of the first class in the State of Kentucky, and all such securities shall be deposited with the treasurer of said board, and shall be subject to the order of said board.

6. Both the principal and interest of said pension fund shall be applicable to the payment of pensions under this act.

7. If any officer, member or employe of the police department, while in the performance of his duty, becomes temporarily totally disabled, physically or mentally, for service, by reason of service in such department, the board of trustees shall order the payment from said pension fund to such disabled officer, member or employe, monthly, during such disability, not to exceed one year, a sum equal to the monthly compensation allowed such officer, member or employe as salary at the date of his disability, provided such officer, member or employe, during the same period, is paid no salary as such officer, member or employe. If any officer, member or employe of the police department, while in the performance of his duty, becomes mentally or physically permanently disabled by reason of service in such department, so as to render necessary his retirement from service in said department, said board of trustees shall retire such disabled officer, member or employe from service in such police department: *Provided*, no such retirement on account of disability shall occur unless such officer, member or employe has contracted such disability while in the service of said police department; and upon such retirement the board of trustees shall order the payment to such disabled officer, member or employe of such police department, monthly, from said pension fund, a sum equal to one-half of the monthly compensation allowed to such officer, member or employe as salary at the date of his retirement. If any officer, member or employe of said police department shall, while in the performance of his

duty, be killed, or die as the result of an injury received in the line of his duty, or after having served in the department for fifteen consecutive years shall die, while in the service or on the retired list, from any cause, and shall leave a widow, or child or children under the age of fourteen years, or, if unmarried and childless, shall leave a dependent father or mother surviving, said Board of Trustee shall direct the payment from said pension fund, monthly, to such widow, while unmarried, of thirty dollars, and for each child until it reaches the age of fourteen years, six dollars, and to the dependent father and mother, if such officer, member or employe was unmarried and childless, thirty dollars, the pension to the father and mother to be paid as follows: If the father be dead, the mother shall receive the entire thirty dollars, and if the mother be dead, the father shall receive the entire thirty dollars, and if both living each shall receive fifteen dollars.

8. Any officer, member or employe of the police department of such cities, having served twenty-five years or more, whether consecutively or not, in such police department, may make application to be retired from service in such police department, and, if his application is granted, such Board of Trustees shall order and direct that such person be paid from said Policemen's Pension Fund, a monthly pension equal to one-half the amount of salary said person was in receipt of as a member of said department at the time of the granting of his application: *Provided*, That no such application shall be granted unless the person so applying shall have reached the age of sixty years.

9. If at any time there shall not be sufficient money in the Policemen's Pension Fund to pay each person entitled to the benefit thereof the amount per month as herein provided, then as equal percentage of such monthly payments shall be made to each beneficiary until the said fund shall be so replenished as to warrant the payment in full to each of said beneficiaries.

10. Whenever an active or retired policeman shall die, the Board of Trustees may appropriate from the pension fund a sum not exceeding one hundred dollars, to his widow or family for funeral expenses, and may expend a sum not exceeding fifty dollars for the expense of the attendance of policemen at the funeral.

11. No person shall be entitled to receive any pension from the said fund, except a regularly retired officer, member or employe, or a regular officer, member or employe in said police department, his widow, and children under the age of fourteen years, and his dependent father or mother.

12. The treasurer of the Board of Trustees shall be the custodian of said pension fund, and shall secure and safely keep the same subject to the control and direction of the Board, and shall keep his books and accounts concerning said fund in such manner as may be prescribed by the Board, and the said books and accounts shall always be subject to the inspection of the Board, or any member thereof. The treasurer shall, within ten days after his election or appointment, execute a bond to the city, with good and sufficient surety, in such penal sum as the Board shall direct, to be approved by the Board, conditioned for the faithful performance of the duties of his office, and that he will safely keep and well and truthfully account for all moneys and properties which may come into his hands as such treasurer, and that, upon the expiration of his term of office, he will surrender and deliver to his successor all bonds, securities, and all unexpended moneys, or other properties which may have come into his hands as treasurer of said fund. Said bond shall be filed in the office of the Comptroller as other bonds, and may be sued on in the name of said city, for the use of said Board, or in the name of said Board, or any person or persons injured by a breach thereof.

13. It shall be the duty of such officer or officers of the city as are designated by law to draw warrants on the treasurer of said city, on request in writing of said Board of Trustees, to draw warrants on the treasurer of said city payable to the treasurer of said Board of Trustees, for all funds belonging to said pension fund as aforesaid.

14. All moneys ordered to be paid from said pension fund to any person or persons shall be paid by the treasurer of the Board of Trustees only upon warrant signed by the president of said Board, and countersigned by the secretary thereof, and no warrant shall be drawn except by order of the Board after having been duly entered on the records of the proceedings of the Board.

15. The Board of Trustees shall make a report to the General Council of said city of the condition of said pension fund, on the last meeting night in August in each and every year.

16. No portion of said pension fund shall, before or after its order for distribution by the Board of Trustees to the persons entitled thereto, be held, seized, taken, subjected to, detained or levied by virtue of any attachment, execution, injunction, writ, interlocutory, or any other order or decree, or any process of proceeding whatever issued out of or by any court of this State for the payment or satisfaction in whole or in part, of any debt, damage, claim, demand or judgment against the beneficiary of said fund; but said fund shall be

held and distributed for the purposes of this act, and for no other purpose whatever.

17. It shall be the duty of the attorney for cities of the first class to give advice to the Board of Trustees of the Police-men's Pension Fund in all matters pertaining to their duties and management of said fund whenever thereunto requested, and he shall represent and defend said Board as its attorney in all suits or actions at law or in equity that may be brought against it, and bring all suits and actions in its behalf that may be required or determined upon by said Board. (*The numbers of the subsections are the numbers of the sections of the act.*)

SUBDIVISION XII.

Comptroller.

§ 2897. **Appointed by the mayor—term of office—duties.** There shall be appointed by the mayor, with the approval of the board of aldermen, in the month of December succeeding his election, for four years, a comptroller, who shall exercise a general supervision over the fiscal affairs of the city, the collection and disbursement of all revenues and moneys of the city. He shall see that proper rules and regulations are prescribed and observed in relation to all accounts, settlements and reports connected with the fiscal concerns of the city; that no liability is incurred or expenditure made from the treasury without due authority of law; and that appropriations are not overdrawn.

§ 2898. **Annual report—records—duties and powers—bond.** He shall make annual reports to the mayor and general council of the financial condition and requirements of the city, with careful statements and estimates of the receipts and expenditures. The records in his office shall show the financial operations, conditions, assets, and claims of the city, the expenditures authorized for public works, and all contracts, with the names of contractors, in which the city is interested and the bonded and other indebtedness of the city. He shall countersign all warrants drawn on the city treasurer, and shall duly record the amount and nature of the same. He shall have access to the books and other records of any department of the city government whenever he so desires, and he shall see that the accounts of the city are kept in a plain, methodical manner. He shall give bond to the city in the sum of not less than twenty thousand dollars, approved by the mayor and general council. His bond shall be deposited with the mayor. The comptroller shall have a seat in each branch of the general council, with the right to debate on any question pertaining to his

department, but shall have no vote. He shall perform any other duties that may be prescribed by law.

§ 2899. **Custodian of city seal and records—other duties and powers.** He shall have the custody of the city seal, the public records, the original rolls of ordinances of the general council, all original contracts not herein required to be filed elsewhere, and such deeds and certificates as relate to the title of any property of the city; all official, penal, indemnity, or security bonds, and such other records, papers, and documents of value as are not required to be deposited with any other officer, all of which shall be registered by numbers, dates, and contents. He shall attest and certify all copies of such original documents, records, and papers in his office as may be required by any officer or person, and charge therefor to individuals, for the benefit of the city, such fees as may be provided by ordinance. He shall provide copies of all contracts in his office for any public officer who has a right to such copies.

§ 2900. **Ordinances to be printed and filed—appointment of clerks.** The comptroller shall cause to be printed and filed and preserved in his office all ordinances passed by the general council. He shall have power to appoint such clerks as may be allowed him by ordinance.

SUBDIVISION XIII.

Auditor.

§ 2901. **Election by voters of city—duties and powers—bond—salary.** There shall be elected by the qualified voters of the city, at the time and places provided for the election of mayor, an auditor, who shall be the general accountant of the city, and as such it shall be his duty to receive and preserve in his office all accounts, vouchers, documents, and papers relating to the accounts or contracts of the city, its debts, revenues and other fiscal affairs, and to adopt a proper mode and manner of bookkeeping. He shall state and render all accounts filed or kept in his office between the city and any other person or body corporate, except when otherwise provided by law. He shall examine, adjust and audit all unsettled accounts,

§ 2899. **Custodian of records.** Evidence of assistant engineer concerning records of which he is

not custodian held incompetent in *City v. Cassidy*, 105 Ky., 424; 20 R., 1348.

claims and demands against the city, for the payment of which any money may be drawn from the city treasury; and, after having examined the same, with all accompanying vouchers and documents, shall certify thereon the balance or true state of such claim or demand, and draw his warrant on the treasury in payment thereof. But no such claim or demand, or any part thereof, shall be audited against the city unless it is authorized by law or ordinance, and is in proper and fully itemized form, and unless the amount required for the payment of the same shall have been appropriated for that purpose by the general council. He shall have power to administer oaths, and may require a settlement of accounts, to be verified by affidavit, and shall keep the accounts of the city, general and specific, in a systematic, orderly manner. He shall give bond to the city in the sum of twenty thousand dollars, to be approved by the mayor and general council. His salary shall not be less than two thousand five hundred dollars per annum.

SUBDIVISION XIV.

Treasurer.

§ 2902. **Election by voters of city—duties and powers—bond.** There shall be elected by the qualified voters of the city, at the time and places provided for the election of the mayor, a treasurer, whose duty it shall be to receive and keep all money of the city, and pay out the same on the warrants drawn by the auditor and countersigned by the comptroller, except as herein provided. All moneys belonging to the city received by an officer or agent thereof, either from collections, loans, sale of bonds, fees, fines, and penalties, or otherwise, shall be deposited in the city treasury regularly once a day, unless otherwise provided by law or ordinance; and in case the provisions of this section are not fully complied with, it shall be the treasurer's duty to report any delinquencies to the mayor. He shall give triplicate receipts in all cases—one for the party paying, one for the auditor, and one for the comptroller—which shall set out the amounts paid, from what it proceeds, and to what account credited. His books shall at all times be open to the inspection of the mayor, the comptroller, or any member of the general council, and he shall report the balance in the treasury each day to the comptroller. He shall give bond for the faithful performance of his duties, to be approved by the mayor and general council.

§ 2903. **Bank—selection annually for current deposits.** The mayor, comptroller and treasurer shall annually select a bank or banks, or banking institution, which will give the highest rate of interest for the current deposit of the city's funds, and which shall give and maintain a bond, to be approved by the unanimous vote of the mayor, comptroller and treasurer, said bond to be conditioned for the safe-keeping and prompt payment of said funds, or any part thereof, when demanded by the treasurer.

SUBDIVISION XV.

Tax Receiver.

§ 2904. **Election by voters—duties and powers—deputies' qualifications—settlements—vacancy.** There shall be elected by the qualified voters of the city, at the time and places provided for the election of mayor, a tax receiver, who shall collect all city taxes except such as are to be collected by the sinking fund, and he shall pay the same over to the treasurer once each day. He shall, each day, deliver to the assessor and the comptroller a statement showing what persons have the previous day paid their taxes, what amounts have been paid, and the number of the tax bills. He shall give bond for the faithful performance of his duties, to be approved by the mayor and general council. He shall keep the books and accounts of his office in such manner as may be prescribed by ordinance, or in the absence of any such requirements, the comptroller shall prescribe the manner of keeping such books and accounts, and said tax receiver shall perform any other duties required by law. He shall have power to appoint, with the approval of the board of aldermen, such deputies as may be allowed him by ordinance. The tax receiver and his deputies shall be paid an annual salary, to be fixed by the general council. For the acts of his deputies he and his sureties shall be responsible on his official bond. No tax receiver shall be eligible to any office unless he has accounted with the city for all collections and obtained a quietus. He shall settle his accounts with the mayor, comptroller, auditor and treasurer on or before the last day of October in each year for the taxes for which bills have been placed in his hands for collection for the year; and if, through his fault, a quietus therefor is not held by said receiver on said day the general council shall, by resolution, declare vacant the office of such receiver and the vacancy shall be filled by the general council in joint session, by viva voce vote, for the unexpired term. In his settlements he shall be charged with such

uncollected bills as he could have collected by distraint of the goods or garnishment of the rents of the delinquents; and he shall be subrogated to the rights of the city on such uncollected bills.

§ 2905. **Penalty for conversion of funds.** The tax receiver shall not use or in any way convert to his own use any money or other thing of value belonging to the city, and if he do, he and his sureties shall pay the same with interest, and he shall be guilty of felony, and, upon conviction, shall be confined in the penitentiary not less than five nor more than twenty years.

SUBDIVISION XVI.

Assessor.

§ 2906. **Election by council—deputies—powers and duties—bond.** There shall be elected by the general council, immediately upon the assembling of the new board, and every four years thereafter, an assessor, whose duty it shall be to assess all property in the city subject to taxation. He shall have power to appoint, with the approval of the board of aldermen, such deputies and assistants as may be allowed him by ordinance. The manner in which he shall perform his labors shall be determined by ordinance of the general council. He shall give a bond, with sureties, to be approved by the general council. The assessor and his deputies may administer oaths or affirmations, and certify the same.

§ 2907. **Register of transfers of real estate—notice to purchasers.** The assessor shall keep in alphabetical order a register of all transfers of real estate. All purchasers of real estate in the city shall furnish the assessor information thereof within two days after the conveyance has been lodged for record. The assessor shall notify such purchasers of any taxes which remain unpaid and which are a lien on the property bought.

§ 2908. **Statement of payments by tax-payers.** The assessor shall daily enter upon his book of assessments, opposite the name of the person assessed, and the property for which he is assessed, a statement showing the payment to the tax receiver by the tax-payer of taxes due on said property. This statement shall be made up by him from reports daily made to him by the tax receiver, which reports the assessor shall preserve as part of the records of his office.

SUBDIVISION XVII.

City Attorney.

§ 2909. **Appointment by mayor—duties—opinions—salary.** There shall be appointed by the mayor immediately after the expiration of the term of office of the present city attorney in cities of the first class, a city attorney, whose duty it shall be to give legal advice to the mayor, members of the general council, and all other officers and boards of the city in the discharge of their official duties, and, if requested, he shall give his opinions in writing and they shall be preserved for reference. It shall be his duty to prosecute all suits for and defend all suits against the city, and to attend to such other legal business as may be prescribed by the general council. He shall be appointed by the mayor for a term of four years, and may receive a salary not to exceed five thousand dollars per annum, payable in monthly installments, and an appointment of a city attorney shall be made by the mayor for a like term every four years after the first appointment. (*Section as amended by act of March 21, 1902.*)

§ 2910. **Assistant attorneys—appointment—duties—salary.** At the same time at which a city attorney is appointed in accordance with the preceding section, there shall be appointed by the mayor for a term of four years, a first assistant city attorney and a second assistant city attorney, who shall be licensed practicing attorneys-at-law, and shall discharge such duties as may be required of them by the city attorney, or prescribed by the general council and mayor in the preparation, prosecution and defense of all legal business of the city.

The first assistant attorney may receive a salary not to exceed three thousand dollars per annum, and the second assistant city attorney may receive a salary not to exceed two thousand five hundred dollars per annum, which salaries shall be payable in monthly installments, and such assistant attorneys shall be appointed by the mayor every four years after the first appointments herein provided for. That this act shall take effect from and after its passage, but shall not apply to the present city attorney and assistant city attorney in cities of the first class, during their present terms of office, and their powers and duties shall remain during that period as now

§ 2909. **Powers and duties of** litigation properly placed in his city attorney. Council can not hands. City v. Louisville Ry., 23 control his action in reference to R., 390.

provided by law. (*Section as amended by act of March 21, 1902.*)

SUBDIVISION XVIII.

Police Court.

§ 2911. **Police Court—court of record—officers.** The judicial power of the city shall be vested in a police court, which shall be a court of record, and the officers thereof shall be a judge, a clerk, a prosecuting attorney, and a bailiff, all of whom shall be elected by the qualified voters of the city at the same times and places at which the mayor is elected, and shall hold their offices for the term of four years.

§ 2912. **Jurisdiction—examining court—stenographic report of evidence—bond of accused.** Said court shall have original and exclusive jurisdiction in all cases of violation of municipal ordinances and by-laws occurring within the corporate limits of the city, and such criminal jurisdiction within the said limits as justices of the peace have, with the necessary power to carry into effect the jurisdiction given. Said court shall have exclusive jurisdiction, as an examining court, of all felonies and misdemeanors committed within the corporate limits of the city, and shall exercise all the powers and duties of examining courts. On the trial of any felony case the presiding judge may, in his discretion, order a full report of the testimony, or such portion of the testimony as he may deem necessary; in which case it shall be the duty of said official stenographic reporter to cause shorthand notes of such or all of the evidence to be taken, and, upon request of the judge, to cause a full and accurate transcript of same to be made, or in his discretion, the judge may order a transcript to be made out, which will contain such parts of the evidence as he may deem material, which shall be returned to the Jefferson circuit court. At the conclusion of any trial for a felony or misdemeanor, the court shall commit or discharge the accused or hold him to answer before the proper court, as may be adjudged. If bond be required of the accused to appear and answer, said court shall have the power to order the bond to be taken in such sum as it may direct. The bond, together with the papers, shall be transmitted by the clerk within twenty-four hours to the proper court. The bond shall be in writing and it shall not be invalidated by any irregularity in its form, or in the manner of taking or giving the same. Persons arrested under a charge of crime must be presented to the court for

trial within twenty-four hours after arrest, unless Sunday intervenes. (*Section as amended by act of March 12, 1898.*)

§ 2913. **Fines and penalties—imprisonment—hard labor—custody of children.** Said court shall have power to impose such fines and penalties as may be prescribed by the statutes of the State, or by the ordinances of the city, but no imprisonment exceeding thirty days shall be ordered and no fine exceeding fifty dollars shall be imposed without the intervention of a jury, unless the right to have a jury is waived by the party to be tried, cases in which the right to the custody and care of children is involved shall be tried by the court. When imprisonment is prescribed by the judge or jury trying the case, it shall be in the discretion of the judge or jury to direct whether or not the imprisonment shall be with hard labor, unless the statutes imposing the penalty distinctly prevents the exercise of such discretion.

§ 2914. **Drunkenness—disorderly conduct—bond to keep the peace.** In all cases of drunkenness or disorderly conduct, in addition to imposing a fine, said court may hold the offender to bail in a sum not exceeding one thousand dollars to keep the peace or be of good behavior for any length of time not exceeding one year, or the court may impose a fine without holding to bail. Should the offender fail to give bond, or fail to pay the fine, he shall be forthwith committed to the city workhouse, and shall be kept in custody until bail is given, or until the time fixed by the judgment shall have expired, and the fine be paid or satisfied by labor, as provided by law.

§ 2915. **Practice—rules and regulations—administering oaths.** In the trial of cases arising under the ordinances of the city, the proceedings and practice of the court shall be such as may be determined by the ordinances of the city. In the trial of cases which grow out of the violation of the statutes of the State, the proceedings and practice shall be the same as in the courts of justices of the peace. Subject to these limitations, the judge of said court shall have power and authority to adopt rules and regulations for conducting the business of said court, and to enforce the same by process of contempt. He shall have all the powers necessary to try the causes coming under his jurisdiction. He may administer oaths, and shall be a general conservator of the peace.

§ 2916. **Confinement in workhouse or county jail—payment of fine by work.** Unless discharged by authority of law, any person arrested under a *capias pro* fine for a violation of the

ordinances of the city shall be committed to the workhouse, and shall be there detained until the judgment against him or her is satisfied by the payment of the fine, or is satisfied by his or her earnings by compulsory work, in or out of said workhouse, on such wages as the general council may allow. In cases of violations of the statutes of the State, the prisoner may be confined in the county jail, or in the city workhouse, as the judgment may prescribe.

§ 2917. **Fines to be paid into city treasury.** All fines and recoveries realized in said Court, whether the prosecution be in the name of the city or the Commonwealth, shall be paid to the city treasurer as a contribution toward the expenses of said court.

§ 2918. **Judge's docket—entries—control over judgment.** The clerk of the police court shall, for the use of said court, daily enter in a book, to be kept for that purpose, a list of all cases in which any orders are to be made, leaving sufficient space on the margin of said book, or following each case, for the judge to note whatever orders may be made therein. Said book shall be known as the "judge's docket," and it shall be the duty of the judge to concisely note therein, in ink, all orders and judgments in each case, and to daily sign his name at the foot of the day's docket. No order or judgment of said court shall be modified, set aside, or annulled, except in open court, during the regular hours of the court, and by the judge who tried the case. No order or judgment shall be thus modified, set aside, or annulled, except on motion duly made in open court, within three days from the date on which the judgment or order was entered; and after ten days the court shall have no control over its orders. Said motion must be accompanied by the written reasons therefor, and the grounds for modifying, setting aside or annulling said order or judgment shall be stated briefly and accurately by the judge from

§ 2917. **Criminal prosecutions.** Const. Sec. 123, providing that all prosecutions shall be in the name and by the authority of the Commonwealth of Kentucky, does not preclude a prosecution in a municipal court, in the name of the city, for the violation of an ordinance, authorized by Ky. St., 1899, Sec. 2917, providing that all fines realized in such court,

whether the prosecution be in the name of the city or the Commonwealth, shall be paid into the city treasury. (1903.) *City of Louisville v. Wehmhoff*, 76 S. W., 876; 25 Ky. Law Rep., 995; *Same v. Alvey, Id.*; *Same v. Pirtle, Id.*; *Same v. Smith, Id.* Rehearing denied (1904), 79 S. W., 201; 25 Ky. Law Rep., 1924.

the bench, and recorded by the clerk in the order-book of the court. The judge may, at any time and at any place, suspend for twenty-four hours, but no longer, the enforcement and execution of any order or judgment.

§ 2919. **Officer or deputy neglecting duty—penalty.** If any officer or deputy of said court shall, without legal excuse, fail or neglect for one week to perform the duties provided for herein, or to keep up any book, docket or record as required by law, he shall be subject to a fine of twenty-five dollars for each day the offense continues; and any officer or deputy of said court, who shall, in the conduct of his office, do that which is forbidden by law, shall be subject to a like fine for each day's offense, and, if the offense be repeated, or if the delinquency continues two weeks, the offender shall be liable to said fine, and also to imprisonment not exceeding one year.

§ 2920. **Witnesses—when allowed fee for attendance.** Witnesses shall not be allowed any fees for attendance in this court, unless they live beyond the limits of the city. If they live outside of the city, they shall be allowed such fees as are allowed witnesses in the circuit court.

§ 2921. **Fees and costs.** No fees shall be received by any of the officers of this court, and no costs shall be taxed against any person tried by said court.

§ 2922. **Appeals to circuit court and court of appeals.** Appeals shall be from the decisions of said court to the circuit court in all cases where the amount of the fine imposed is as much as twenty dollars. In cases where a fine of twenty dollars or less is imposed under an ordinance, the legality of said ordinance may be tested by the city by an appeal to the Jefferson circuit court or by the defendant by a writ of prohibition to the Jefferson circuit court, and after a decision has been rendered in the circuit court, as provided for in this section, either the city or the accused may appeal to the court of appeals as other cases in the circuit court are appealed. In all cases in which the judgment, in addition to a fine, prescribes imprisonment exceeding ten days, the defendant may have an appeal to the circuit court, and thence to the superior court or court of appeals, except in cases in which bail has been required for good behavior and has not been given.

SUBDIVISION XIX.

Judge of Police Court.

§ 2923. **Qualification—official oath—salary.** The judge of the police court shall have the qualifications and take the oath required of the judge of the circuit court. He shall receive such salary from the city as may be provided by ordinance. (*Vacancy in office, how filled, sec. 3758.*)

§ 2924. **Shall devote whole attention to duties—payment of salary.** Said judge shall devote his whole attention to the duties of said court, and shall be paid his salary at the same time and in the same manner as the salaries of other city officers are paid.

§ 2925. **Pro tem judge—powers—compensation.** When, from any cause, the judge of said court shall fail to attend and hold court, the mayor of the city shall select and designate some lawyer, who has no case on the docket of said court, to act as judge *pro tem.* for said court, the judge *pro tem.* shall have the same rights, powers and duties as the regular judge has, and the judge *pro tem.* shall receive from the city the same *pro rata* compensation paid the judge of the court. (*Section as amended by act of March 18, 1902.*)

§ 2926. **Vacation—provision for—pro tem judge—salary.** The judge of the court shall annually have a vacation of two months, and during said vacation a compensation of the judge *pro tem* shall not be deducted from the salary of the regular judge. The clerk of the court shall certify to the auditor of the city the name of the judge *pro tem.* and the term of his service, and the city auditor shall thereupon draw a warrant upon the city treasurer for the amount of money due the judge *pro tem.* for the time he served on the bench and the treasurer shall pay the warrant. (*Section as amended by act of March 18, 1902.*)

§ 2927. **Swearing judge off the bench—pro tem judge.** No one shall sit as judge in this court in any case in which there has been filed by the accused an affidavit that he can not have a fair trial, provided that such affidavit be supported by the affidavits of at least two credible housekeepers of the city. In such cases the compensation paid to the judge *pro tem* shall not be deducted from the salary of the regular judge.

§ 2928. **Where to hold court.** The judge of said court shall never hold his court out of the room provided by the

general council as a city court-room, unless said court-room can not be used.

§ 2928a. The judge of the police court shall have power to appoint and remove at will a doorkeeper for the police court, whose duties shall be to stand at and guard the door of said court, and preserve order and perform such other services as directed by the judge of said court. Said doorkeeper shall receive a salary of fifty dollars per month to be paid monthly out of the city treasury. He is vested with the same powers as those of a deputy bailiff of the police court. (*As amended by act of March 22, 1904.*)

SUBDIVISION XX.

Clerk of Police Court.

§ 2929. **Qualifications—oath and bond.** The clerk of the police court shall have the qualifications, and take the oath, and give the bond required of the clerk of the county court. Said bond and the requisite surety thereon must be approved by the judge of the police court.

§ 2930. **Powers and duties—penalties for violation of duty.** The clerk of the court may administer oaths as clerks of county courts may, and he shall be subject to the same fines and penalties to which they are subject, and for neglect and violation of his duty he may be prosecuted, punished, or removed in the same manner in which they may be prosecuted, punished, or removed.

§ 2931. **Salary—appointment of deputies.** He shall receive no fees whatever, but he shall be paid a salary of thirty-five hundred dollars per annum, and may appoint two deputies, who shall be paid a salary of twelve hundred dollars per annum for each deputy. The salaries of the clerk and his deputies shall be paid at the same time and in the same manner as the salaries of other city officers are paid. (*Section as amended by act of March 18, 1902.*)

§ 2932. **Vacancy in office—how filled.** In case of a vacancy in said clerk's office the judge of the said court shall fill such vacancy, subject to the provisions of section 152 of the Constitution of Kentucky.

§ 2933. **Allowance for stationery.** The clerk of said court may be allowed such stationery as may be necessary for his office, but it shall be obtained through the city buyer, as supplies are obtained by other municipal officers.

§ 2934. **Authority to issue process.** Said clerk or his deputy shall have authority to issue all proper mesne and final process in cases cognizable by said court, or which have been adjudicated.

SUBDIVISION XXI.

Prosecuting Attorney of Police Court.

§ 2935. **Qualifications—oath—duties.** The prosecuting attorney of the police court shall have the qualifications, and take the oath, and come under the obligations prescribed for commonwealth's attorney and his duties to the city and said court shall be similar to those of the Commonwealth's attorney in his circuit.

§ 2936. **Representative of Commonwealth and city.** In all matters before the police court the prosecuting attorney shall represent the Commonwealth or the city, as the case may require.

§ 2937. **Salary, \$3,500.** He shall receive a salary of thirty-five hundred dollars per annum, and the salary of the prosecuting attorney shall be paid at the same time and in the same manner as the salaries of other city officers are paid. (*Section as amended by act of March 18, 1902.*)

§ 2938. **Pro tem attorney—deduction from attorney's salary.** When said attorney fails to attend or to prosecute the parties brought before him, the judge shall, from the members of the bar, appoint one to serve as prosecuting attorney *pro tem*, and the person so appointed shall take the oath of office prescribed for the regular prosecuting attorney, and for his services the prosecuting attorney *pro tem*. shall receive such part of the salary of the regular prosecuting attorney as the judge, on motion, after due notice to the prosecuting attorney, may summarily decide to be fair and reasonable; but the compensation allowed the prosecuting attorney *pro tem*. shall not be estimated at a greater rate than that allowed the regular prosecuting attorney. The amount so paid the prosecuting attorney *pro tem*. shall be deducted from the salary of the reg-

ular prosecuting attorney: *Provided*, That when such prosecuting attorney shall be prevented by sickness from discharging the duties of his office, the compensation of the prosecuting attorney *pro tem.* shall not be deducted from the salary of the regular prosecuting attorney; *And provided further* That such prosecuting attorney shall be allowed sixty days' vacation in each year, and during such vacation the compensation of the prosecuting attorney *pro tem.* shall not be deducted from the salary of the regular prosecuting attorney.

§ 2939. **Commonwealth's attorney may assist.** The Commonwealth's attorney or the county attorney may be present and assist in the trial of offenses against the Commonwealth.

SUBDIVISION XXII.

Bailiff of Police Court.

§ 2940. **Powers of constable or policeman.** The bailiff of the police court shall have the power of a constable and policeman.

§ 2941. **Bond to be executed.** He shall give bond, payable to such city, in the penal sum of one thousand dollars, with good security, to be approved by the mayor, conditioned for the faithful and honest discharge of his duties, and said bond shall be filed with the other official bonds of the city.

§ 2942. **Duties of bailiff.** It shall be the duty of the bailiff to be present at the sessions of the court, to maintain order therein, and to perform such other court duties subject to the directions of the court.

§ 2943. **Process—may execute anywhere in State—special bailiff—policeman.** The mesne and final process of said court shall be addressed to the bailiff, or to any sheriff, constable or policeman. In all cases the process shall run in the name of the Commonwealth of Kentucky, and may go to any county in the Commonwealth, and the bailiff may execute it anywhere in the State, or may appoint by endorsement on the process, a special bailiff to execute it, and said special bailiff's rights and powers shall be the same as those of the bailiff. Policemen may execute any process delivered to them by the bailiff; and they shall have power to execute warrants of arrest, subpoenas, attachments and other process, whether the same be directed to them or not.

§ 2944. **Bailiff and assistants—salaries.** The bailiff shall be assisted in the performance of his duties by two deputies, who are to be appointed by him. The bailiff and his deputies shall receive no fees, but the bailiff shall receive a salary of thirty-five hundred dollars per annum and each of his deputies shall receive a salary of twelve hundred dollars per annum. The salaries of the bailiff and his deputies shall be paid at the same time and in the same manner as the salaries of other city officers are paid. (*Section as amended by act of March 18, 1902.*)

SUBDIVISION XXIII.

Interpreter and Stenographer of Police Court.

§ 2945. **Interpreter appointed—term of office—salary.** The judge of the court may appoint, for a term not exceeding four years, an interpreter, who shall be paid nine hundred dollars per annum, and the judge may remove him at pleasure.

§ 2946. **Stenographer—appointment—term—salary.** The judge of the court may appoint for a term not exceeding four years a stenographer, who shall be paid by salary of twelve hundred dollars per annum. Such stenographer shall be allowed sixty days' vacation in each year, and during such vacation the compensation of the stenographer *pro tem.* shall not be deducted from the salary of the regular stenographer. (*Section as amended by act of March 26, 1904.*)

SUBDIVISION XXIV.

Bond Recorder.

§ 2947. **Appointment—term—powers and duties—bond—fees—deputies—salary.** There shall be appointed by a majority of the judges of the circuit court, having jurisdiction in said

§ 2947. The Bond Recorder must make at least annual settlements with the city; and when in any current year he has collected enough to pay his salary for that year and for his deputies and to pay his other legal expenses for the current year, he may, during the rest of the year

be made to account every thirty days. Commonwealth of Ky. v. Ross, 122 S. W., 161.

The Bond Recorder is entitled to receive \$4,000.00 per year and \$1,000.00 a year for each deputy actually employed, not exceeding two. Id.

cities, a bond recorder for said cities. He shall be appointed for the term of four years, and shall have the qualifications, take the oath, and give the bond required of county clerks, and he shall be subject to the same fines and penalties to which they are subject; and for neglect and violation of his duty he may be prosecuted, punished or removed, in the same manner in which said clerks may be prosecuted, punished or removed. The bond furnished by said recorder, and the requisite surety thereon, must be approved by said judges. Said bond recorder shall have exclusive right to take all bonds required by law to be taken or given by persons arrested in the city in and for which he is appointed, for their appearance before the proper tribunal; also all bonds or recognizances required by law to be taken or given by or in the police court of said city; and no person in custody shall be released therefrom, before trial, unless bond be first given as herein required. Said bond recorder shall be allowed for his services the same compensation as now allowed by law to justices of the peace in trials for breach of peace, to be paid by the party for whom the services are rendered. He may appoint two deputies, and the salary of each of said deputies shall be one thousand dollars per annum, and shall be paid from the fees collected by the said bond recorder. Said deputies shall give bond the same as recorder, and he is hereby given power to administer oaths to parties offering as sureties on bonds, for all purposes necessary for the proper conduct of his office, to carry into effect the provisions of this act, and enable him to properly execute his duty. And no officer or other person shall have power to take any bond or administer any oath herein mentioned, except said recorder. Said bond recorder shall keep a record of all bonds taken by himself or deputy, showing the date, amount of bail, the name of defendant, and the charge under which arrest was made; and all money received by said bond recorder, over and above the amount of four thousand dollars, exclusive of the deputy's salary, shall be paid into the treasury of the city for which the recorder is appointed. Said recorder, or one of his deputies, shall be in his office at all hours, for the purpose of taking bonds. All bonds and affidavits shall be returned within twenty-four hours to the proper tribunal. In continued cases, the bond recorder may require a memorandum from the clerk of the court, showing the charge, amount of bail, and date of continuance.

SUBDIVISION XXV.

Live Stock Inspector.

§ 2948. **Elected by council—term of office—powers and duties—salary—bond.** There shall be elected by the general council, on the first Tuesday in December, eighteen hundred and ninety-four, and every two years thereafter, one live stock inspector, whose salary and duties shall be determined by ordinance of the general council. He shall have power to appoint, with the approval of the board of aldermen, such deputies and assistants, with such salaries as may be allowed them by ordinance. He shall give a bond, with sureties, to be approved by the general council.

SUBDIVISION XXVI.

Education.

§ 2949. **Trustees to be elected in each legislative district—term—powers and duties.** At the regular municipal election in eighteen hundred and ninety-three, there shall be elected by the qualified voters in each legislative district of the city, two qualified persons as school trustees, and the persons so selected shall constitute and be styled the (name of city) school board, and by said title shall be a corporation. The trustees first elected shall, within three months after the election, cause the trustees from each district to be divided by lot into two classes, and the members of the first class shall vacate their offices at the end of one year from the day of their general election; and annually thereafter there shall be elected by the qualified voters in each district one qualified person as trustee of said schools, who shall hold his office for two years and no longer. The school trustees of cities of the first class are hereby continued corporate, under the name and style of the (name of city) school board, with power to govern themselves by such rules and regulations for school purposes as they may deem proper, not to conflict with this act, nor the Constitution and laws of this State, nor of the United States; with power to contract and be contracted with, sue and be sued, to defend and be defended in all courts, to acquire property for school purposes by purchase, gift, or otherwise; to hold the same, and all property and effects now belonging to them, or in the names of others, to the use of public schools, for the purposes and intent for which the same

were granted or dedicated; to use, manage, improve, sell and convey, rent or lease property, and have like power over property hereafter acquired; to have a common seal and change it at pleasure, and act with or without a seal. No portion of the property or funds held or raised for said schools shall ever be applied to the support of any school or schools not entirely under the control and management of the said board. The members of said board shall, before entering upon the duties of their offices, make oath or affirmation, before some judicial officer of this Commonwealth, faithfully to discharge the duties enjoined on them. In conformity to the provisions of section 152 of the Constitution of Kentucky, the said board shall have power to fill all vacancies by death, resignation, or other causes, and shall judge of the qualification of its members.

§ 2950. **Board of trustees to adopt rules and by-laws.** Rules and by laws shall be adopted by the board within thirty days after organization succeeding each election. They shall not be amended, suspended, or repealed, except upon affirmative vote of not less than two-thirds of the members in office, upon yeas and nays vote of the board, entered upon its records.

§ 2951. **Monthly meeting of board—quorum.** The board shall meet once a month, and oftener, if necessary, for the transacton of business. A majority of the board shall be a quorum.

§ 2952. **Appropriation of money by board.** No appropriation of money shall be made by the board, except upon the affirmative vote of a majority of the members. The vote shall be entered upon its records.

§ 2953. **Proceedings of board to be recorded.** All proceedings of the board shall be entered in a book provided for that purpose. This book shall be a public record, and at all times be open to the inspection of the citizens.

§ 2954. **Estimate of expenses for current fiscal year—application of funds.** It shall be the duty of the board, at the beginning of each fiscal year, to ascertain and estimate, as correctly as may be, the means applicable to educational purposes for the current fiscal year. When such sum is ascertained, the board shall apply the same to the following purposes: Salaries, repairs, rents, building account, general expenses and incidental expenses. The board may, from time to time thereafter, change the amount appropriated for said different purposes, with the consent of not less than two-thirds of the

members; but in no event shall the board exceed in the aggregate the estimated amount of its income for the current year, nor shall it incur any liability in one year to be paid out of the revenues of the next year.

§ 2955. **Fiscal and scholastic year.** The fiscal year of the board shall begin on the first day of January and end on the thirty-first day of December. The scholastic year of the board shall be the same fixed by the statutes of Kentucky.

§ 2956. **Principals and teachers elected by board—salaries—dismissal and suspension.** The board shall elect principals and teachers, regulate and fix their salaries, and the term of office of all the teachers, officers and employes of the board. The salaries shall not be changed during the year for which they are fixed. The board may dismiss or suspend any principal, or teacher, or employe for misconduct, inefficiency, neglect of duty, or diminished attendance of pupils.

§ 2957. **Branches to be taught and text books prescribed by board—kindergarten for young children.** The board shall prescribe the branches of education to be taught, and the text-books to be used. Text-books once adopted shall not be changed, except by unanimous consent of the board, until notice of said proposed change shall be given and entered upon the records of the board one scholastic year, and then only by the affirmative vote of not less than two-thirds of the members.

Schools may be open as a part of said school system to teach children of the ages of four, five and six years by the kindergarten method. Nothing contained in this section shall be construed as affecting in any way the present method of taking the school census or as increasing or reducing the *pro rata* of the school fund to be received from the State of Kentucky by the school board of cities of the first class, nor to be construed as conflicting with or changing in any way sections 166 and 189 of the act for the government of cities of the first class, being now sections 2949 and 2974 of chapter 89 of the Kentucky Statutes. (*Section as amended by act of March 21, 1902.*)

§ 2958. **Qualification and examination of applicants for admission to school.** The board shall prescribe the necessary qualifications and mode of examination for applicants for admission to the various schools.

§ 2959. **Poor children provided with text-books.** For school children whose parents are too poor to purchase books, the board shall provide text-books.

§ 2960. **Sectarian teaching prohibited.** No catechism or other formula of religious belief shall be taught or inculcated, nor shall any class-book be used which reflect on any religious denomination.

§ 2961. **Children outside city admitted upon paying tuition.** The board shall have power to admit to the schools pupils from beyond the city limits, and shall collect from all persons so admitted tuition fees for the benefit of the school fund of the city, but may make equitable allowance or reduction for taxes paid for schools by such children or their parents on property in the city. Children of persons residing outside of the city limits shall not be admitted as pupils into any of the public schools, except upon payment of such tuition as the board may require as aforesaid.

§ 2962. **Secretary to be elected—duties—bond.** The board shall elect for a term of two years, a secretary, who shall attend all meetings of the board and keep its records. He shall receive all moneys due the board, and shall deposit the same in some chartered bank, to be selected by him and approved by the board, and he shall perform such other duties as may be required by the board. He shall annually give bond, with surety, to be approved by the board, for the faithful discharge of his duties.

§ 2963. **Funds deposited in bank—how withdrawn.** The funds of the board deposited in bank shall be withdrawn only on the order of the board, evidenced by the check of its secretary, countersigned by the chairman of the committee on finance, or, in his absence or disability, by the next member of the committee in order.

§ 2964. **Secretary to receive no fees or perquisites.** No fees or perquisites shall be received by said secretary. Interest paid on deposits must be credited to the board.

§ 2965. **Superintendent—election—term—duties.** The board shall elect, for a term of two years, a superintendent, who shall perform such duties as may be prescribed by the board.

§ 2966. **Investigation of complaints—power of board.** In investigation of charges or complaints against any of its mem-

bers, officers, principals, teachers or other employes, the board, or its committee on grievances, shall have the power to summon witnesses, and, by its chairman, administer oaths. Any willful disregard of said summons or process may be punished by any judge of the circuit court, on complaint of the board, as contempt of such court is punished.

§ 2967. **Officers, teachers and employes may be reprimanded or expelled.** The board may punish its members for misconduct by reprimand or expulsion from office, and punish its officers, principals, teachers and employes by reprimand, suspension, forfeiture of pay or dismissal, as it may judge appropriate for the offense committed.

§ 2968. **Officer or member of board receiving bribe—penalty.** Any officer or member of said board who shall receive any money or other thing of value, directly or indirectly, for his vote or influence in favor of any measure upon which he shall act officially, shall be deemed guilty of felony, and, upon conviction thereof, be confined in the penitentiary not less than two nor more than ten years.

§ 2969. **Taxation for maintenance of schools.** To raise money for the maintenance of the school, the general council shall, in the year one thousand nine hundred and nine, and annually thereafter, cause to be levied and collected a tax of not less than thirty-six cents on each one hundred dollars' worth of property assessed for taxation for city purposes. Upon the completion of the assessment of property for taxation, the amount levied as above shall, annually, be passed to the credit of the school fund upon the books of the city, and the said amount, as collected, shall be paid over to the board by the treasurer in regular weekly installments, the first payment to be made within one week after the collection of said amount

§ 2969. The city is not liable to the School Board except for taxes actually collected. And where on an adjustment of accounts between the city and the Water Company for taxes and water, the bills of the one offset the bills of the other, the School Board is not entitled to recover from the city its pro rata of the levy included in the bills used as a set-off. Louisville School Board

v. City of Louisville, 113 S. W., 883.

City of Louisville v. Com. of Ky., 121 S. W., 411. This section as amended held not to be in violation of the section of the Constitution concerning local self-government on the theory that the Legislature is charged with the duty of maintaining its school system and may compel the City Council to levy a tax for school purposes.

shall have been commenced, and the other payments to be made weekly thereafter, in current money, by said treasurer, as collected. (*As amended by act of March 24, 1908.*)

§ 2970. **City's portion of State school fund.** For the maintenance of the schools there shall be appropriated the sum or sums which may have been received from year to year as the city's portion of the school fund of this Commonwealth.

§ 2971. **Escheated property vested in board of trustees.** So much real, personal or mixed property in the city, which, from alienage, defect of heirs, failure of kindred, or other causes, shall escheat to the Commonwealth of Kentucky, shall vest in the board for the use and benefit of the schools. Said board may in the name of the Commonwealth for the use and benefit of the public schools of the city, by its president or other officer to be designated by it, enter upon and take possession of said property, or sue for and recover the same by an action at law or in equity, and without office found. The board may sell and convey any of such property by warranty deed or otherwise.

§ 2972. **Examination for position as principal or teacher.** The board shall have the power to examine, or cause to be examined by competent persons, all applicants for the position of principal, teacher or professor in the schools.

§ 2973. **Certificate—when void—revocation of certificate.** A certificate granted to any person shall be void, if the holder thereof shall not receive regular employment of the board within five years from its date, but may be renewed by another examination. The board may revoke any certificate issued by it for any cause by it deemed sufficient.

§ 2974. **Census of school children—how taken—reports to Superintendent of Public Instruction.** When a city of the first

§ 2971. **Constitutionality.** This provision under Sec. 192 of the Constitution is valid. *Commonwealth v. Chicago, St. Louis & New Orleans R. R.*, 124 Ky., 497.

Conveyance before escheat proceedings. The title to the property of any corporation is good against every one except the State and until proceedings are properly instituted to escheat the property the corporation may *bona fide* convey to another per-

son and the latter will take a good title which the State cannot attack in escheat proceedings. *Louisville School Board v. King*, 127 Ky., 824.

§ 2974. (1) **Census of school children—reports to superintendent.** The provision in this section that a census of school children shall be taken every five years is not a violation of the Constitution. The State superin-

class establishes and maintains a system of common schools, which all applying for instruction are permitted to attend free of charge, the same shall be deemed one school district for taxation purposes, and entitled to its proportion of the school fund. Such cities shall, through its proper officers deputed for that purpose, make its annual report to the superintendent of public instruction at the time and in a similar manner to that required of trustees of other districts. The school board shall also, in the year one thousand nine hundred and two, and every third year thereafter, take the census of children of school age, and make returns thereof to the superintendent of public instruction, at the same time other school trustees are required to make their returns, and for neglect of their duties in that respect the members of said board shall be liable to the same penalties. The secretary of the board shall employ, subject to the approval of the board, a sufficient number of enumerators to take the census within the time required by law and may, subject to the same approval, remove without notice any enumerator for incompetency, neglect of duty, malfeasance or misfeasance, and at once fill a vacancy arising from this or any other cause; provided, however, that said school board shall be allowed thirty additional days, if in their opinion the same is deemed necessary for an accurate and complete census. Each enumerator shall be at least twenty-one years of age and a *bona fide* resident of the ward whose territory or a part of whose territory he is appointed to enumerate, and shall take an oath or affirmation that he will take the census accurately and truly to the best of his skill and ability. The census shall be returned by wards, each block of which shall be enumerated on a separate list or lists, the street and number of residence, if any, of such person so listed, to be given. The list shall be made out in duplicate, one to be filed with the school board and one to be forwarded to the superintendent of public instruction as aforesaid. No enumerator shall take the census of any child not residing in the territory to which he is assigned, nor of children who have recently removed into the district and who have been previously reported in the census of pupil children

tendent may, in a judicial proceeding, question the accuracy of the reports made to him of the number of children. *Louisville School Board v. Supt. Public Instruction*, 19 R., 1350; 102 Ky., 394.

(2) **Unconstitutional.** In *Louisville School Board v. City of Louisville*, 20 R., 142; 103 Ky., 421, a portion of the section as amended by act of March 12, 1898, is held unconstitutional. Since this decision section has been amended.

for the year in the district from which they have removed or who have recently removed into the district from another State or county. Nor shall more than one enumerator be assigned to the same territory. In case any parent, guardian, head of family, master of apprentice, or any person employing, having charge of or harboring any child entitled to school privileges, shall refuse to report to the enumerator any facts required herein necessary to the full and accurate census he shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined not less than five nor more than twenty-five dollars. Each enumerator shall, when making return of said census to the secretary of the board, make affidavit or affirmation that he has returned the enumeration in accordance with the provision of this act, to the best of his knowledge and belief, and that such list contains the names of all persons entitled to be enumerated, and no others. Each oath or affirmation provided for in this section shall be made a part of the blanks on which the census is taken, and a matter of record in both the office of the school board and that of the superintendent of public instruction. Each enumerator shall be allowed reasonable compensation *per diem* for his services, to be paid out of the school fund of said city. Any school officer, or other person appointed as enumerator, or any officer through whose hands the school census required by this act shall pass, who shall knowingly enumerate persons not entitled to be listed, or who shall, in any manner, add to or take from the number actually enumerated, shall, in addition to being liable to punishment for the crime of false swearing, be deemed guilty of a misdemeanor, and, upon conviction of such offense, shall be fined in any sum not less than five nor more than one hundred dollars, or imprisoned in the county jail not less than ten nor more than thirty days, in the discretion of the court. The county superintendent of the county in which such cities are located, shall have no control over the school in such districts, but the same shall be governed in all respects as herein provided. For the years in which no census is required to be taken hereunder, the superintendent of public instruction shall determine the amount of per capita to be paid over to the school board of such cities, by adding annually to the number of children of school age as shown by the next preceding census actually taken, such increase or addition as he may ascertain to be the annual increase of children of school age in the district upon averaging the yearly increase shown by the three actual enumerations next preceding: *Provided, however,* That the school board or superintendent of public instruction may elect to take an actual census in any of such years, in which case the return of such census shall govern.

The superintendent of public instruction shall in his biennial report give statement of the estimated census for any years included in said report wherein distribution of per capita may have been made upon estimated census, as provided herein, in such manner as to show clearly the actual enumeration upon which such estimates may have been based and the manner in which the estimated census has been computed. (*This section, which is an act of March 21, 1902, takes the place of the original section as amended by act of March 12, 1898.*)

§ 2975. **Eligibility to office of trustee.** No person shall be eligible to the office of trustee of the public schools who has not attained the age of thirty years, and who is not a housekeeper, or is not the owner of real estate in said city, or who is not a citizen of the United States, or a *bona fide* resident of the Commonwealth of Kentucky and of the legislative district of the city for which he is elected, for three years next preceding his election; or who holds or discharges any office, deputyship, or agency under the city, or any district or county, or under the State of Kentucky or any department thereof, or under the United States or any foreign government, except notaries public and militia officers of Kentucky. No person shall be eligible to this office who, at the time of his election, is directly or indirectly interested in any contract with the board, or who holds any office of trust, agency, or salary with any corporation which holds any contract with the board, or who is in any way benefited by the appropriations of the board; or whose father, son, brother, wife, daughter, or sister is employed as teacher or as professor, or in any other capacity by said board, or any of the public schools, or who is, directly or indirectly, interested in the sale to the board of books, stationery, or other property.

§ 2976. **Member becoming disqualified—office vacated.** If, after election, any member of the board should become a candidate for nomination or for any office or agency, the holding and discharging of which would have rendered him ineligible before his election, or should he remove out of the district for which he was chosen, or should he do or incur anything which would have rendered him ineligible for election, or should any

§ 2975. A tax-payer may maintain an action to prevent the waste of the school fund or to prevent the School Board from making a contract with one of

its own members for the erection of a school building. *Bornstein v. Louisville School Board*, 122 S. W., 522.

of the relatives above specified be employed by the board, his office shall become vacant and be filled as herein directed.

§ 2977. **Members privileged in debate.** Members of the board shall not be elsewhere called in question for language used in debate.

§ 2978. **Separation of white and colored children.** No white child shall become a pupil in any school for colored children, and no colored child shall become a pupil in any school for white children; but schools for white and colored children shall be kept and maintained separately.

§ 2978a. 1. **Parents or persons having control of children in first, second, third or fourth class cities to send them to school.** That every parent, guardian or other person in any city of the first, second, third or fourth class, having the custody or supervision of any child or children, between the ages of seven and fourteen years inclusive, shall cause such child to be enrolled in and to attend some public or private day or parochial school regularly each school year for a full term or period of said school. *Provided*, That this act shall not apply in any case where the child has been, or is being taught at home in such branches as are taught in the public schools for a like period of time, and subject to the same examinations as other pupils of the city in which the child resides; and for the purpose of ascertaining whether or not any child is embraced within this exemption, the court may order such child to submit to an examination to be given by the City Superintendent of Schools.

Provided further, That this section shall not apply to any child who is excused by the Board of Education or School Board of the city in which the parent, guardian or person having the custody, control or supervision of such child or children resides, upon its being shown to the satisfaction of the county judge that such child has already acquired the common school branches required by law or is not in proper physical or mental condition to attend school.

2. **Penalty for failure to send children to school.** Any parent, guardian or other person having the custody, control or supervision of any child embraced within the provisions of this act, who shall fail to comply with the provisions of this act, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding twenty-five (\$25.00) dollars for the first offense and for any subsequent offense, upon conviction thereof, shall be fined in any sum not exceeding one hundred (\$100.00) dollars, or by imprisonment in the county jail for any period not exceeding

fifty days, or both so fined and imprisoned, in the discretion of the court.

3. Penalty for making false statement about age of Child—truant children. Any parent, guardian or other person having the custody, control or supervision of any child, embraced within this act, who, with the intent to evade the provisions of this act, shall make a false statement concerning the age of such child or the time such child has attended school, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined in any sum not exceeding one hundred (\$100.00) dollars, or by imprisonment in the county jail for a period not exceeding fifty days or both so fined and imprisoned in the discretion of the Court.

Any parent, guardian or other person having the custody, control or supervision of any child embraced within this act, who shall be proceeded against under this act, may prove in defense that he is unable to compel the child under his control to attend school, and he may be thereupon discharged from liability and such child shall be proceeded against as a delinquent child under the Statutes in such case made and provided.

4. Proof of age of child. A passport, a verified baptismal certificate, a duly attested birth certificate, a certified copy under oath of record in the family Bible, or other religious record, shall be produced as proof of age. In case such certificate or record can not be secured, upon proof of such fact, the record of the age stated in the first school enrollment to be found, shall be considered as evidence thereof. If there is no school enrollment showing such fact, other evidence as to the age of said child may be considered.

5. Fines go to aid of school. Any fines or penalties provided for in this act shall be for the use of the public schools of the city in which such child resides and any such sums shall be used for the purpose of paying the salaries of truant officers of such city. Any such fine or penalty may be recovered by rule or in any way in which a court of equity may enforce its order or decrees.

6. Truant officer appointment—salary—qualifications. In the first week in July in each year, the Board of Education in each city of the first, second, third and fourth class, shall appoint one person for each ten thousand (10,000) children enrolled in the school census, to serve as truant officer, whose term of office shall be during the pleasure of the board appointing him, who may be removed at any time by said board

with or without cause, and whose duties shall be limited to the city where the appointment is made; if in any such city there shall be less than ten thousand (10,000) children enrolled in the school census, there shall be appointed as above, one truant officer. Said truant officers shall be housekeepers, residents of the city in which they are appointed and men of good moral character; they must be able to read and write with ease, shall be at least thirty (30) years of age and shall not engage in any other occupation during such period of time as the schools are in session each year in the respective cities. Before they shall be eligible for appointment, all applicants for the position of truant officer shall be examined by the Superintendent of schools and President of Board of Education, or school board. Such truant officers shall each receive from the tax levy for school purposes, of such cities, not less than one (\$1.00) dollar, nor more than two dollars and fifty cents (\$2.50) per day during such period of time as the schools are in session each year in the respective cities.

7. Truant officers—powers and duties. Such truant officers shall examine into any case of truancy within the city or district, and shall see that the provisions of this act are complied with, and when, from personal knowledge, or by report or complaint from any resident or teacher of the city or district under his supervision, he believes that any child, subject to the provisions of this act, is absent from school without lawful excuse, and in violation of the provisions of this act, or is persistently truant from school, he shall immediately give written notice to the parents, guardian or person, having the custody, control or supervision of such child, that the attendance of such child is required, and if, within five days from the date of such notice, such parents, guardian or person, having the custody, control or supervision of such child, does not comply with all the provisions of this act, then such truant officer shall proceed against such child as a delinquent child, and against such parents, guardian or person having the custody, control or supervision of such child for violation of this act and for contributing to such condition of delinquency in such child.

8. County court has jurisdiction under this act. The county court of the respective counties of the Commonwealth shall have exclusive jurisdiction of all cases coming within the terms and provisions of this act.

9. Reports by teachers—truant officers. All school officers and teachers are hereby required to make and furnish, upon demand, any reports that may be required by the Superin-

tendent of Public Instruction, or by the Superintendent of Public Schools of cities of the first, second, third and fourth classes, with reference to the workings of this act; and all truant officers appointed under this act shall keep a full record of the work done by them, in books to be furnished them for that purpose by the State Superintendent of Public Instruction. Said truant officers are to be under the direct supervision and control of the City Superintendent of Schools, and shall report as directed by him to teachers, principals, City Superintendent and Board of Education. The Superintendent of Public Instruction and each Superintendent of Public Schools in said cities shall each make and publish an annual report of the workings of this act.

10. List of children to be taken. During the month of August in each year, the Superintendent of Public Schools of cities of the first, second, third and fourth classes, shall furnish to the principal of each school in their respective cities, a list taken from the last census of children of school age, of all children between the ages of seven and fourteen years, who, by law, or under the rules of the Board of Education or Board of Trustees, or School Board, as the case may be, are required to attend such school. Said list shall be alphabetically arranged, shall contain the name, date, and place of birth of each child, the name, address and occupation of such child's parent or parents, guardian or person having the custody, control or supervision, and such other facts as may be required by the Superintendent of Public Instruction or Superintendent of Schools of the cities of the first, second, third and fourth classes.

The principal of each school in cities of the first, second, third and fourth classes, shall report each day if possible or at such times as he may be directed by the Superintendent of Schools during such period of time as the schools are in session in each year in the respective cities, to the Superintendent of Public Schools in the city in which such school is situated, or to the truant officer if so directed by the Superintendent, the name and address of each child who has been absent from school without lawful excuse or who is persistently truant from school, together with the name of such child's parent or parents, guardian or person having the custody, control or supervision of such child, and it shall be the duty of the truant officer of such city, immediately upon the receipt of such reports, to examine into the cases of absence or truancy contained in such reports and to require such truant officer to take any and all needful steps, as provided herein, and under the statutes of this State, to compel

such child to attend school. All truant officers shall make report to teachers, principals and Superintendent of Schools of the city of all cases referred to them under this section, at the time designated by said superintendent.

It shall be the duty of said truant officer to report to Board of Education or School Board in said cities during the months of November and April of each year, the number of children between the ages of seven and fourteen years inclusive, not attending school in the district assigned to each respectively, and they shall write opposite the name of each child on blanks prepared for that purpose, the reason given by the parent, guardian or person having the custody, control or supervision of such child for its failure to attend school.

11. A. School for truant children. The Board of Trustees, Board of Education, School Board or School Commissioners, as the case may be, of any city of the first or second class, are hereby authorized and empowered to equip, maintain and conduct, one or more parental or truant schools for the purpose of affording a place where children of compulsory school age, and coming within the provisions of this act, and of the Statutes of this State, concerning neglected, dependent and delinquent children, may be detained for the purpose of discipline and instruction as hereinafter provided.

B. Such school or schools may be located either within or without the corporate limits of the city, provided, however, that such school or schools shall not be located outside of the county in which such city is located, and, provided further, that no such school shall be located at or near any penal institution.

C. No religious instruction shall be given in such school or schools, except as allowed by law to be given in public schools, but the Board of Trustees, Board of Education, School Board or School Commissioners, as the case may be, shall make suitable regulations so that inmates shall receive religious training in accordance with the belief of such children's parents or guardian, either by allowing such religious services to be held in such institution or by arranging for the attendance of public service elsewhere.

D. Any child committed to such school or schools, upon an order duly entered by the county court, may be allowed to return home upon probation and to remain while upon probation, subject to the friendly visitation and supervision of a probation officer of said county court and subject at any time to be returned to such school if said child, in the opinion of the county court, shall violate the terms and conditions of its

probation. No child shall be released upon probation in less than four weeks from the time of his or her commitment, nor thereafter unless the court shall be satisfied that said child who is probationed, will attend regularly some public or private school as herein provided. If any child so released upon probation shall be regular in his or her attendance in school, and his or her conduct as a pupil shall be satisfactory for a period of one year from the date upon which he or she was released upon probation, he or she shall be finally discharged from such parental or truant school, and shall not be re-committed thereto, except in a subsequent proceeding undertaken according to the provisions of this act, and to the Statutes of this State, concerning neglected, dependent and delinquent children.

E. Any child released from said school or schools, upon probation, as herein provided, who shall violate the conditions of his or her probation any time within one year thereafter, shall, upon the order of the county court, be returned to such parental or truant school, and shall not again be released upon probation, within a period of three months from the date of such re-entering; and if such child shall violate the conditions of a second release upon probation, he or she shall be recommitted to such school and shall not be released therefrom on probation until he or she shall have remained in such school one year.

F. The Board of Trustees, Board of Education, School Board or School Commissioners, as the case may be, of cities of the first or second class, may establish any rules or regulations concerning such school or schools not inconsistent with this act or the constitution or laws of this State.

12. Repealing act of 1904. An act entitled "An act to secure school attendance of children between the ages of seven and fourteen," approved March 22, 1904, is hereby repealed.

13. How act to be construed. If any section of this act be held to be unconstitutional, such fact shall not affect any other section of this act; it being the intention of the General Assembly in enacting this act to enact (each) section separately; and if any proviso or exception contained in any section of this act shall be held to be unconstitutional, such fact shall not affect the remaining portion of said section; it being the intention of the General Assembly to enact each section of this act and each proviso and exception thereto separately. (This section is an act of March, 1908, p. 198.)

SUBDIVISION XXVII.

Revenue and Taxation.

a General provisions. 2979. *c* Collection and payment of taxes. 2997

b Assessments. 2985

(a) General Provisions.

§ 2979. **Taxes already levied or imposed.** All taxes already levied or imposed under existing laws, and not yet paid, remain payable unless the contrary be hereinafter provided.

§ 2980. **Ad valorem license and franchise taxes—council to provide for.** Each city shall raise a revenue from *ad valorem* taxes, and from a tax based on income, licenses and franchises, and to that end the general council of each city is hereby authorized and empowered to provide each year, by ordinance, for the assessment of all real and personal estate within the corporate limits thereof, subject to taxation for State purposes, and may levy an *ad valorem* tax on the same not exceeding the rate and limits prescribed in the Constitution; and for school purposes, not exceeding fifty cents on each one hundred dollars of taxable property therein; and may impose license fees on stock used for breeding purposes, and on franchises, trades, occupations and professions; and may provide for taxation, for municipal purposes, on personal property, tangible and intangible, based on income, licenses or fran-

§ 2979. **Existing laws not repealed.** In *Long v. City of Louisville*, 97 Ky., 364; 17 R., 253, it was held that neither the new Constitution nor the charter for first class cities released any taxes theretofore assessed, and that such taxes might be collected in the manner provided before the adoption of Constitution and charter.

§ 2980. (1) **Authority conferred by Legislature.** The Legislature can delegate its sovereign power of taxation to local municipal governments, either with or without restriction or limitation. *Bradley v. McAtee*, 7 Bush, 667.

(2) Legislature determines

what are proper subjects of general or local taxation, and it is not within the province of the courts to abridge this prerogative, nor to refuse to carry out the legislative will on account of doubt as to the policy of the enactment. *Broadway Baptist Church v. McAtee*, 8 Bush, 508.

(3) **Choses in action—money, debts — assessment.** Authority "to cause to be assessed at its cash value such real and personal estate and slaves within the city as the said council may designate," did not authorize the city council to assess money, debts, and choses in action. *Louisville v. Henning*, 1 Bush, 381; see

chises in lieu of an *ad valorem* tax thereon; *Provided*, such general council shall not be authorized to omit the imposition of an *ad valorem* tax on such property of any steam railroad, street railway, ferry, bridge, gas, water, heating, telephone, telegraph, electric light or electric power company.

Johnson v. Lexington, 14 B. M., 521; Covington v. Powell, 2 Met., 227; Trigg v. Glasgow, 2 Bush, 594, and see also and compare Newport v. Ringo, 87 Ky., 635; 10 R., 1046.

A partnership is a distinct entity and its property is subject to taxation at the place where it conducts its business. City of Louisville v. Tatum, Embry & Co., 111 Ky., 747.

Situs of property for taxation held by trustee. City of Lexington v. Fishback, 109 Ky., 770; 22 R., 1392; Board of Council v. Fidelity Trust Co., 111 Ky., 676. But see Higgins v. Commonwealth, 103 S. W., 306.

Taxation of notes, bonds, money of non-residents. Callahan v. Singer Sewing Machine Co., 92 S. W., 581; 29 R., 123; Commonwealth v. Dunn & Co., 102 S. W., 859.

Property located permanently in other States. Union Refrigerator Transit Co. v. Kentucky, 199 U. S., 194; 26 S. Ct., 36.

Property held and used for a public purpose. Board of Councilmen of the city of Frankfort v. Commonwealth, 29 R., 699; but see city of Louisville v. McAteer, 91 S. W., 698.

(4) **Discretion of council as to amount of tax.** While the Legislature may confide to the general council a discretion as to the amount of tax to be imposed, it can not confer upon the collector or other city officer such power. Louisville v. Murphy, 86 Ky., 53; 9 R., 310.

(5) **Equality and uniformity.** When the subjects of taxation have been determined then the constitutional limitation requir-

ing equality and uniformity in its imposition upon such subjects applies, and the courts must see that this limitation is not disregarded. Broadway Baptist Church v. McAtee, 8 Bush, 508.

(6) **Exemption—special license or tax.** Payment of a tax or license of \$25 on each car employed by the street railway company to the city, as required by the contract between it and the city, in which certain franchises are secured to it, does not exonerate it from an *ad valorem* tax on its property, horses, stables, etc., which are assessable for municipal purposes. Lou. City Ry. Co. v. Louisville, 4 Bush, 478.

Hospital—Adjunct to medical school. Under section 170 of the Constitution exempting "institutions of purely public charity," from taxation, a hospital which is an adjunct to a medical school is subject to taxation, although patients who are not able to pay for treatment therein are admitted free for the purpose of the education of the students of the medical school in their profession. Wathen, etc., v. City of Louisville, 27 Ky. Law Rep., 635.

Institutions of education—physical culture. Under Constitution, section 170, providing that institutions of education not used or employed for gain by any person or corporation, and the income of which is devoted solely to the cause of education," the property of an incorporated gymnasium association in which a teacher in physical culture is constantly employed to instruct the members, and maintained by the payment of monthly dues by the members

Said council shall provide for the collection of all taxes imposed hereunder.

All taxes and license fees shall be levied or imposed by ordinance, and the purpose or purposes for which the same are levied or imposed shall be specified therein, and the revenue therefrom shall be expended for no other purposes than that for which it was collected.

and from which no one derives any pecuniary benefit, is an institution of education in the meaning of the law and exempt from taxation. *German Gymnastic Association, etc., v. City of Louisville*, 25 Ky. Law Rep., Part 2, page 2105.

House of worship. Lot adjoining and used in connection therewith.—Under Constitution, section 170, exempting from taxation "places actually used for religious worship with the grounds attached thereto, and used and appurtenant to the house of worship, not exceeding one-half acre in cities, and two acres in the country," a lot 100 feet wide by 200 feet deep on which a house of worship was erected in March, 1891, is exempt from taxation.

Taxes prior to the adoption of the Constitution of 1891.—*Hewitt Act of 1886*.—Under the *Hewitt Act of 1886*, exempting from taxation "churches and all property devoted to charitable purposes," a lot in a city leased to a church in 1890 for the purposes of a mission church, is exempt from taxation for the year 1890, although the church thereon was not erected until 1891.

Title to the lot.—The fact that the church has possession and use of the church building and lot, exempts it from taxation, although the legal title is in the lessor. *City of Louisville v. Werne, etc.*, 25 Ky. Law Rep., Part 2, 2196.

Young Men's Christian Association.—The property, not exceeding one-half acre, belonging to a Young Men's Christian Association and used by it in the

conduct of its work, and also that rented out for the purpose of raising revenue for aid in the maintenance of the institution, as well as that taken in payment of donations to the institution and held pending a sale, is exempt from taxation under the provisions of section 170 of the Constitution, both on the ground that it is a place actually used for religious worship and that the institution is one of purely public charity. *Commonwealth, by, &c. v. Young Men's Christian Association; City of Louisville v. Same*, 25 Ky Law Rep., Part 1, page 940.

Charitable institutions.—This appeal involves the question as to whether appellant is an institution of purely public charity and as such is exempt from municipal taxation. **Held**—That as said institution is owned and operated by certain physicians as an adjunct to a medical and dental college for private gain, it is not exempt from taxation as a purely public charity. *Gray Street Infirmary v. City of Louisville*, 23 Ky. Law Rep., 1274.

Education.—Where an institution is organized, not for gain or profit, but that persons may be educated in pharmacy, and its income is devoted solely to the cause of education, it is exempt from taxation under the provisions of section 170 of the Constitution. The charter of appellant providing that "should said corporation be dissolved, the funds and property thereof, shall, after its debts and obligation be discharged, be paid into the treasury of the State of Ken—

All *ad valorem* taxes shall be collected by the tax receiver, and all license taxes, including all taxes on personal property, tangible and intangible, based on income, licenses and franchises, in lieu of an *ad valorem* tax thereon, shall be collected by the secretary and treasurer of the commissioners of the sink-

tucky, for the benefit of the common school funds," and the fact that the institution is not operated for gain or profit, and all of its income being devoted to purposes of education, it is an educational institution and is exempt from taxation. *Louisville College of Pharmacy v. City of Louisville*, 26 Ky. Law Rep., 825.

The wharf property of the city of Louisville is exempt from taxation under Const. Sec. 170. *Com. v. City of Louisville*, 119 S. W., 161.

The Water Works property of the city is public property used for public purposes and is exempt from taxation under Const. Sec. 170. *Ryan v. City of Louisville*, 118 S. W., 992.

Wills—Taxation. By the will of W. F. Norton, deceased, certain real estate was bequeathed to his executors for the benefit of the Baptist Orphans' Home, to be held by them for five years, during which time it should be converted into money and the proceeds paid to said home. Held.—That said home by the terms of its charter, under section 170 of the Constitution, is a purely public charity, and not employed for gain, and while the beneficiary is not given the immediate care and control of the fund, it is the equitable owner thereof, and, under the statute, it is exempt from taxation in the hands of the executors. *Norton's Executors and Trustees, &c., v. City of Louisville*, 26 Ky. Law Rep., 846.

(7) License tax—ad valorem tax. Under present Constitution all property must be assessed alike—property can not be classified for taxation—a license tax

may be imposed in addition to an *ad valorem* tax, but not as a substitute for it. *Levi v. City of Louisville*, 97 Ky., 394; 16 R., 872; and see Const., secs. 174, 181; and as to imposition of license tax, 105 Ky., 259; 20 R., 1172; 105 Ky., 514; 20 R., 1318; 105 Ky., 509; 20 R., 1322; *George Schuster & Co. v. City of Louisville*, 89 S. W., 689; 28 R., 588; holding ordinance imposing license tax in lieu of *ad valorem* tax unconstitutional.

(8) Person and subject of taxation designated. When a city is authorized "to levy a tax upon the taxpayers of the city, taxable under the revenue laws of the State," both the person and subject are designated, and the tax must be levied of the date and upon the persons and property prescribed by the State revenue laws. *Barret v. Henderson*, 4 Bush, 255.

(9) Power to impose tax. A statute providing for the imposition of a tax "as long as needed," to pay a particular debt, authorizes the imposition of the tax until the debt is satisfied. *Louisville v. Murphy*, 86 Ky., 53; 9 R., 310.

(10) Power to tax strictly construed. Municipal corporations can levy no taxes upon the inhabitants or either property unless the power be plainly given; such power is statutory, and must be strictly pursued. *Kniper v. Louisville*, 7 Bush, 600. *Murray v. Tucker*, 10 Bush, 241; and this, though the statute provides that ordinances shall not be void by reason of a failure of the council to follow strictly its delegated powers. *Caldwell v. Rupert*, 10 Bush, 180.

ing fund: *Provided*, That all taxes so collected by said secretary and treasurer in lieu of *ad valorem* taxes on personalty shall be paid by him monthly to the city treasurer, who shall receipt to him therefor, and the said secretary and treasurer shall furnish monthly to the city comptroller a statement showing what persons, firms or corporations have, during the previous month, paid such taxes, the amount paid by each, and the total amount paid by him to the city treasurer.

Nothing in this section shall be so construed as to deprive the general council of the power hereby granted to it to provide by ordinance in its discretion for the levy and collection of taxes based on income, license and franchises in addition to *ad valorem* taxes on the property of any of the corporation whose franchise is subject to assessment by the city assessor as set out in section three of this act, which is section one of section 2984A, Kentucky Statutes, as amended by this act, and the general council shall have power to levy *ad valorem* taxes on the property and franchises of railroads as assessed and apportioned by the Railroad Commission and the State Board of Valuation and Assessment: *Provided*, That no corporation, individual, firm, or association, which pays an *ad valorem* tax and a franchise tax shall also be required to pay a license tax. (*As amended by act of March 18, 1898.*)

§ 2980a. **Manufacturing establishments may be exempted from taxation.** That the general council shall have power by ordinance to exempt from municipal taxation, for a period not exceeding five years, manufacturing establishments, as an inducement to their location within the city limits. (*See Con., sec. 170. This section is an act of March 16, 1904.*)

(11) **Purpose for which tax may be laid.** The city had no power to levy a tax for revenue purposes on coal, etc., landed at the wharf, but only to defray expenses of measurement and inspection when required. *Collins v. Louisville*, 2 B. M., 134.

(12) **Real property.** Conditions upon which tax can be imposed. *Courtney v. Louisville*, 12 Bush, 419. See Con., secs. 170, 171, and notes.

(13) **What is a tax.** Assessment to pay for local improvement is not technically a tax.

Johnston v. Louisville, 11 Bush, 527.

§ 2980a. **Manufacturing establishment**—exemption of for five years must be as an inducement to its location, 21 R., 1782. "Exemption"—*Mengel Box Co. v. City of Louisville*, 117 Ky., 735; 25 R., 1361, 79 S. W., 255; *Continental Tob. Co. v. City of Louisville*, 29 R., 617; 94 S. W., 11; *City of Louisville v. National Casket Co.*, 100 S. W., 1196; 30 K. L. R., 1321.

Desty, 1 vol., 135; 86 Ill., 336.

§ 2981. **Ordinance fixing tax rate—levy to be subdivided.** In the ordinance fixing for any year the tax rate the general council shall subdivide its levy as follows: A levy for schools, a levy for the sinking fund, a levy for police purposes, a levy for the fire department, a levy for street and sewer cleaning, a levy for sprinkling streets, a levy for reconstruction of streets, a levy for street repairs, a levy for construction and repairs of sewers, a levy for the house of reform, a levy for

§ 2981. (1) **Levy for sinking fund** may be omitted in any year by the council, and when so omitted the commissioners of the sinking fund can not compel the council to make the levy. Com. Sinking Fund v. Grainger, 98 Ky., 319; 17 R., 901.

(2) **Publication of ordinance** concerning taxes a necessary prerequisite to their enforcement, so made by the charter. A publication on Sunday not sufficient. Time of publication. Ormsby v. Louisville, 79 Ky., 197; 2 R., 297.

(3) **Tax levy—purpose—designation—street sprinkling—"general purposes."** The levy ordinance for 1904, passed by the common council of the city of Louisville, made no provision for "street sprinkling," notwithstanding it is alleged that appellant had set apart \$15,000, derived from the 36¼ cents levy for "general purposes," to be used for sprinkling the streets. **Held**, Under Constitution, section 180, and Ky. Statutes, section 2980, which require that no tax shall be levied by a municipality without designating the purpose for which it is to be applied, and that no tax levied for one purpose shall be applied to another, and Ky. Statutes, section 2981, providing that "in the ordinance fixing for any year the tax rate, the general council shall subdivide its levy as follows: A levy for schools, a levy for the sinking fund, a levy for police purposes, a levy for fire department, a levy for street and sewer clean-

ing, a levy for sprinkling streets * * * and a levy for general purposes * * *." Without undertaking to define what may be included in the term "general purposes," we are clear that its being enumerated with some dozen other divisions, each of which is required to be provided for expressly, if at all, negatives the proposition that one embraces the other. The attempted deflection of the "general purpose" fund complained of, was illegal and was properly enjoined. City of Louisville v. Button, 26 Ky. Law Rep., 606.

(4) **Distribution—Interest on delinquent taxes.** While Kentucky Statutes, section 2981, provides that the various named subdivisions of the city government, including the schools, shall receive their proportionate part of the tax bill after it is collected there is no provision which in terms imports that they shall receive any part of the interest accruing on delinquent taxes. Each must receive that which the statutes gives it, but they have no right to any part of the interest on the delinquency of the absence of an express provision of the law governing the matter.

Contemporaneous construction. The contemporaneous construction of legislation for a long period of time by those charged with its enforcement is highly persuasive of the correctness of that interpretation, and the city council having acted upon this construction of the statute for a long period of years, illustrates

charitable institutions, a levy for parks, a levy for library purposes, and a levy for general purposes and a deficit tax. The general council shall cause the foregoing levies to be made for the purposes stated by an ordinance fixing the tax rate each year. (*this section is an act of March 20, 1900, and is a substitute for the original section, which was amended by acts of March 15, 16, 1898.*)

§ 2892. **Expenditures—limit of—deficit tax—unexpended balance.** In no fiscal year shall the general council appropriate or expend, or contract for the expenditure, of more than ninety-five per cent. of the estimated revenue of the current year, unless more than that shall be actually collected; and if in any year less than ninety-five per cent. of the estimated revenue shall be collected, any deficiency within ninety-five per cent. may be provided for in the levy for the next year, and shall be called the "deficit tax." Any unexpended balance of an appropriation in any current fiscal year shall be added by the comptroller to the amount appropriated for the same purpose out of the levy for the succeeding year. Unappropriated balances of levies in any current fiscal year when collected shall be passed by the treasurer to the credit of the same funds for the succeeding year. (*Section as amended by act of March 16, 1898.*)

§ 2893. **Failure to make, or making invalid levy ordinance.** If in any year the general council shall fail to pass a levy ordinance, or if the levy ordinance in any year shall be invalid or inoperative, the rate of taxation for that fiscal year shall be the same as it was the year before, item for item.

the necessity of the court's giving great weight to such contemporaneous construction of the statute. *City of Louisville v. Louisville School Board*, 27 Ky. Law Rep., 209.

§ 2981. **Exemption from taxation.** Ownership of all the stock in a water company by the city does not exempt the property of the water company from taxation by the State and county. *Bell v.*

City of Louisville, 106 S. W., 862.

§ 2982. **Unexpended balance—** cannot be expended by board of public safety until it is appropriated by the council. *Neumeyer v. Krakel*, 23 R., 190. "Legislature can not impose taxes for purely local purposes." *McDonald v. City of Louisville*, 113 Ky., 425; 24 R., 271; 68 S. W., 413.

§ 2984. **Land, improvements and personal property.** For the purpose of assessment, the soil shall be known as "land," and everything attached thereto, or built thereon, shall be known as "improvements," and such "improvements," when owned by the tenant, may be assessed in his name apart from the land. Articles, other than land and improvements, shall be known as "personal property." The assessor shall assess, at its fair cash value as of the first of September of every year, all the lands, improvements, and personalty subject to an *ad valorem* tax under this act.

§ 2984a. 1. **Assessment of shares of stock in corporations.** That the shares of stock of every incorporated bank, trust company, guarantee or security company, and the franchise of every incorporated gas, water, ferry, bridge, street railway, express, electric light, electric power, telegraph, press dispatch, telephone, turnpike, palace car, dining car, sleeping car and chair car company, and every other like company, corporation, or association, having or exercising any special or exclusive privilege or franchise not allowed by law to natural persons, or performing any public service, shall hereafter be valued or assessed for city taxes in the manner hereinafter described, by the city assessor in the cities of the first class, wherein such franchise is exercised, to the extent and in the proportion the same is therein exercised: *Provided, however,* That no assessment for city taxes shall be made by any assessor or board of valuation and assessment of the franchise of any private business, mercantile or manufacturing corporation, whose property is not devoted to public use, nor upon the shares of stock of any incorporated bank, trust company, guarantee or security company paying an *ad valorem* tax on its real estate and a license tax in lieu of an *ad valorem* tax on its personal estate.

That the revenue derived from taxes based on income, licenses and franchises in lieu of an *ad valorem* tax, shall be paid at such time in the fiscal year, and apportioned and distributed, as may be fixed by ordinance of the general council, for the same purposes as the revenue derived from the *ad valorem* tax. In default of the payment of such license taxes at the time fixed by ordinance, a penalty of five per cent. shall be added thereto and interest on the amount of such license taxes shall be computed and paid by the delinquent

from that date at the rate of six per cent. per annum until paid.

A lien prior and superior to all others, except State taxes, whether acquired before or after the maturity of such license taxes, shall exist in favor of the city from and after the date such license taxes become due and payable, for the amount thereof, and such penalty and interest, upon all the property, real and personal, of such delinquent, which lien shall be enforceable, by suit in the name of the city in the circuit court, and in such suit a personal judgment may also be obtained against such delinquent for the amount of such license tax, penalty, interest and costs of suit. (*As amended by act of March 18, 1904.*)

2. Reports to be made to assessor by corporations. In order to determine the value of the franchises mentioned or referred to in the next preceding section, the corporation, companies, and associations therein mentioned or referred to, shall each annually, between September first and October first, make and deliver to the assessor of cities of the first and second class, wherein its franchise is exercised, a statement, verified by its president, cashier, secretary, treasurer, manager, or other chief officer or agent, in such form as the city assessor may prescribe, showing the following facts, viz.: The name and principal place of business of the corporation, company, or association; the kind of business engaged in, the amount of capital stock, preferred and common; the number of shares of each; the amount of stock paid up; the par and real value thereof; the highest price at which such stock was sold at a *bona fide* sale, within twelve months next before the first day of September of the year in which the statement is required to be made; the amount of surplus fund and undivided profits, and the value of all other assets; the total amount of indebtedness as principal, the amounts of gross or net earnings or income, including interest on investments, and incomes from all other sources for twelve months next preceding the first day of September of the year in which the statement is required; the amount and kind of tangible property, and where situated, assessed, and liable to assessment, and the fair cash value thereof, estimated at the price it would bring at a fair voluntary sale, and other such facts as the city assessor may require.

3. Manner of assessing when lines of corporation extend beyond city limits. Where the line or lines of any such corporation, company, or association extend beyond the limits of the city, the statement shall, in addition to the other facts herein-

after required, show the length of the entire lines operated, owned, leased, or controlled in the city, and the entire lines operated, owned, leased, or controlled elsewhere. If the corporation, company, or association operates and conducts its business in other States as well as in this State, the statement shall show the following facts, in addition to the facts herein-after required: The gross and net income or earnings received in the city and out of the city, on business done in the city, and the entire gross receipts of the corporation, company or association, in the city and elsewhere, during the twelve months next before the first day of September of the year in which the assessment is required to be made. In cases where any of the facts above required are impossible to be answered correctly, or will not afford any valuable information in determining the value of the franchises to be taxed, the city assessor may excuse the officer from answering such questions: *Provided*, That the city assessor, from said statement, and from such other evidence as he may have, if such corporation, company, or association be organized under the laws of this State, shall fix the value of the capital stock of the corporation, company or association, as provided in the next succeeding section, and from the amount thus fixed shall deduct the assessed value of all tangible property assessed in the State or in the counties where situated. The remainder thus found shall be the value of its corporate franchise subject to taxation as aforesaid.

4. Foreign corporations—franchise, how fixed. If the corporation, company, or association be organized under the laws of any other State or government, except as provided in the next section, the city assessor shall fix the value of the capital stock, as hereinafter provided, and will determine from the amount of the gross receipts of such corporation, company, or association in the city and elsewhere, the proportion which the gross receipts in the city, within twelve months next before the first day of September of the year in which the assessment was made, bears to the entire gross receipts of the company; the same proportion of the value of the entire capital stock, less the assessed value of the tangible property assessed, or liable to assessment, shall be the correct value of the corporate franchise of such corporation, company, or association for taxation in the city.

5. Franchise of carriers—how fixed. If the corporation organized under the laws of this State or of some other State, or government be a street railway, telegraph, telephone, express, sleeping, dining, palace, or chair-car company, the lines

of which extend beyond the limits of the city, the city assessor will fix the value of the capital stock, as hereinafter provided, and that proportion of the value of the capital stock, which the length of the lines operated, owned, leased, or controlled in the city, bears to the total length of the lines owned, leased, or controlled in the city or elsewhere, shall be the value of the corporate franchise of such corporation liable for taxation in the city; and such corporate franchise shall be liable to taxation in each city of the first class through, or into, which such lines pass, or are operated, in the same proportion that the length of the line in such city bears to the whole length of lines in the city and elsewhere.

6. Persons other than corporations—how taxed. Whenever any person or association of persons, not being a corporation, nor having capital stock, shall, in this State, engage in the business of any of the corporations mentioned and made subject to assessment in the first section of this act, then the capital and property, or the certificates or other evidences of the rights or interests of the holders thereof in the business or capital and property employed therein, shall be deemed and treated as the capital stock of such person or association of persons for the purposes of taxation, and all other purposes, under this act, in like manner as if such person or association of persons were a corporation.

7. Assessor to notify corporations of assessment—application for reduction. It shall be the duty of the city assessor, immediately after fixing such values, to notify the corporations, companies, or associations of the fact; and all such corporations, companies, or associations shall have at least ten days from the time of receiving such notice to go before the Board of Equalization of the city and ask a change of the valuation, and may introduce evidence, and the chairman of said board is hereby authorized to summon and swear witnesses and after hearing such evidence, the said board may change the valuation as it may deem proper, and the action of said board shall be final.

8. Collection of franchise tax—when due. The city assessor shall make out and authenticate the tax bills on the assessments of franchises, as provided in this act, as well as on all assessments hereafter made by the Board of Valuation and Assessment, which shall have the same effect as tax-bills made out and authenticated by him on assessments of other property, and shall list the same with the tax receiver for collection, and said tax-bills shall be due and payable at the same time, sub-

ject to the same discounts and penalties, and be collectible by distraint, garnishment and suit, as now provided by law, with respect to other tax-bills due the city.

9. Penalty against corporation failing to report. Any corporation, or officer thereof, wilfully failing or refusing to make reports as required by this act, shall be deemed guilty of a misdemeanor, and for each offense shall be fined one hundred dollars, and five dollars for each day the same is not made after October first of each year, to be recovered by indictment or civil action, in the name of the city, in the circuit court of the county in which such city is situated.

10. Stockholders not required to list stock if corporation pays tax. The individual stockholders of the corporation, which is by this act required to report and pay city taxes upon the corporate franchise, shall not be required to list their shares in such corporation so long as the corporation pays the city taxes on the corporate property and franchise, as herein provided.

11. Receiver or assignee to report for corporation. Should any corporation required to make the report, as hereinbefore provided, be in the hands of or under the control of a receiver, or other person, it shall be the duty of such receiver or other person to make the returns and valuations as required by this act.

12. Assessor may fix values if corporation fails to report. Should any corporation, company, or association fail to make the report as required herein, on or before the first day of October of each year, the city assessor shall proceed to ascertain the facts and values as required by this act, in such manner and by such means as he deems proper, at the cost of the corporation, company or association failing to make the report, and shall fix the values of the corporate franchise liable for taxation, as provided in this act, and the corporation, company or association shall be taxed accordingly.

13. Railroad exempt from this section. This act shall not apply to railroad or other corporations required by law to be assessed by the Railroad Commission. (*This section is an act of March 19, 1898; the numbers of the sub-sections are the numbers of the sections of the act.*)

(b) Assessments.

§ 2985. **Assessor to return five assessment books.** In making the assessment and lists provided herein, the assessor shall, before the tenth day of November in each year, or as soon thereafter as practicable, make and return not less than five assessment books, and shall cause to be entered therein, as near as may be in alphabetical order, the names of all persons who are the owners or holders of lands, improvements or personal property, and opposite the name of each person, owner or holder, the number and block of each of his lots, according to the maps in the assessor's office; and the aggregate value of each parcel of land and the value per front foot, when such parcel fronts on a public way; the value of the improvements and the assessed value of the personal property.

§ 2986. **Lots designated by numbers—mistake—additional assessments.** Any lot of land which is not now designated by a number in the assessor's maps, and any lot of land which is now so designated, but is hereafter subdivided, shall be designated by said assessor by an appropriate serial number, and shall by such number be designated in the assessment books. No mistake in, or omission of, the right name of the owner or holder of lands or improvements liable to be assessed under the provisions of this act shall impair any assessment thereof, if such land be designated in said books by its corresponding number and block on said map; or if such improvement be there designated by the number and block of the land on which it rests; or if such lands and improvement be otherwise fully identified in said books. The general council may provide for additional assessment maps whenever necessary.

§ 2987. **Assessor to view property before assessing it.** The assessor shall, before assessing any land or improvement, view the same, by himself or an assistant; and before assessing goods and chattels, go upon the premises where the same or

§ 2986. **Mistake in name.** Where property was assessed as required by section 2986 of the Kentucky Statutes, a mistake in the name of the person does not vitiate the assessment, and an owner of property can not complain because his interest in such property was not ascertained before judgment against him on

a tax bill, because he knew what interest he owned and no claim is made that he tendered or offered to pay the amount he actually owed. *Joyes v. City of Louisville*, 26 Ky. Law Rep., 713; *Woolley et al., v. City of Louisville*, 24 R., 1357; 71 S. W., 893.

the greater part thereof may be found. His failure so to do shall not invalidate the assessment.

§ 2988. **Owners and fiduciaries to return lists—proceedings in case of failure.** Every person owning or holding taxable property, in his own rights, or as fiduciary, guardian or agent, shall return to the assessor, or his assistant, a true list of such property, real and personal, upon blanks therefor prepared by the assessor, in a form prescribed by ordinance, together with the value of all personalty, and make oath before said assessor or one of his assistants. In case of the failure or refusal of such person to return a list true in quantity and value under oath, said assessor may, according to the best information he can obtain, assess the lands, improvements and personal property. The city court shall, at the instance of the assessor, by rule or process of contempt, enforce upon delinquents the return, under oath, of the lists above required.

§ 2989. **Duty of assessor to examine records and make inquiries.** The assessor shall make diligent search among the conveyances and probated wills recorded in the county clerk's office, and among the confirmations of sales in the courts from day to day; and shall also, by personal inquiry in his yearly rounds, seek to learn about every death among the owners of lands or improvements in said city, by which the same may devolve upon others.

§ 2990. **Heirs, devisees and joint owners, how assessed—future estates—lien—purchasers.** He is directed not to assess any property in such a name as "A B's heirs," or "A B's devisees," or "A B's executors," or the like; but he may assess lands or improvements thus: As "A B's unknown heirs," or "unknown devisees," or the like, when the names cannot be obtained after diligent inquiries have been made. When the joint owners are more than three in number, three of the names, with the addition "and others" shall suffice; and where remainders, and reversions of future estates are outstanding, the holder of the particular estate shall be assessed with the words "holder of present estate" added to his name; but whenever the names of all the owners are not given, no lien for taxes shall arise to the detriment of any purchaser from those not named, unless the assessment, by its own terms, or by reference to the city maps, identifies the lands or improvements therein embraced.

§ 2991. **Assessment in wrong name—failure to assess—retrospective assessment.** Whenever, by any complaint of the party assessed or otherwise it appears that any property has been assessed in a name other than that of the owner or holder, the city assessor shall, after notice, through the mail to the owner or holder, at the time of the notice, make the correction, whether for the current, or any preceding year, in his books, and certify such correction to the tax receiver; and to the corrected assessment and to the retrospective assessment hereinafter authorized, the remedies of Sections 2997 and 3009, both inclusive, shall attach, beginning with the first of May after the correction of retrospective assessments is certified to the receiver. When any lands or improvements, or personal property, shall not be assessed in any one year, they may, when the omission is discovered, be assessed retrospectively for that year at any time not later than five years thereafter; but the lien thereby accruing to the city shall not prejudice the right of purchasers acquired in the meantime; and for any damage arising to the city by the loss of lien, the assessor guilty of

§ 2991. **Assessment in wrong name.**—Section 2991. Kentucky Statutes, providing that whenever by the complaint of the party assessed it appears that property has been assessed in a name other than that of the owner or holder, the city assessor shall, after notice, make the correction either for the current or preceding year, does not apply after the assessment has been made and no complaint made. *Joyce v. City of Louisville*, 26 Ky. Law Rep., 713.

(2) **Retrospective assessments.** Where property taxable in a city is not assessed there during the period prescribed by statute for making the assessment, the assessor is authorized, independently of statute, to assess it retrospectively at any time before the right to assess and collect taxes is barred by the statute of limitations. *Botto's Ex'r v. City of Louisville*, 79 S. W., 241; 25 Ky. Law Rep., 1918; see *Com. v. Nute*, 115 R., 239.

Retrospective assessment of personality. Even before the

amendment of 1906 the city of Louisville had the right to retrospectively assess personal property that had been omitted from assessment. *Hegan v. City of Louisville*, 106 S. W., 805.

Retrospective assessment—notice. Although a person retrospectively assessed alleges that he had no notice of the assessment, this is not sufficient ground to enjoin the collection of the tax. The statute does not require that the notice be received, only that it be sent. It is the duty of a person objecting to a retrospective assessment and who has not received the notice required by law to make known his objection as soon as he learns that the retrospective assessment has been made. *Id.*

Injunction against collection of tax under retrospective assessment. In seeking to enjoin a retrospective assessment the plaintiff should allege in his petition that he did not have the property which was assessed to him retrospectively in addition to that which had been included in his original assessment. *Id.*

the omission, together with his bondsmen, shall be liable. Any person thus retrospectively assessed may, within thirty days after the mailing of a notice thereof to him, file in the assessor's office the complaint provided for in the next section. If he does so, the assessment shall not become binding, nor shall any bill be issued thereupon until it be passed on as in the next section provided. (*Section as amended by act of March, 1906.*)

§ 2992. **Complaint of excessive assessment—proceedings.** The assessment books in the section named shall remain open in the assessor's office from the fifteenth to the thirtieth of November, and any one who thinks that his personal property, lands, or improvements, or those in which he has an interest, though they be not assessed in his name, have been assessed beyond their value, may, before the last named day, file with the assessor his complaint, specifying the parcel and alleged excess, and the complaint shall forthwith be investigated by the board of equalization, which shall, according to the justice of the case approve or reduce the assessment. It may, after notice to any tax-payer, increase the assessment, if satisfied, on investigation, that it is too low, either as to real or personal property. (*Section as amended by act of March, 1906.*)

§ 2993. **Board of equalization—election—compensation—meetings.** The board of equalization shall consist of three citizens of the city, to be elected annually in September by the board of aldermen. They may be removed by the general council. Vacancies caused by such removal, or by death, resignation, or departure from the city, shall also be filled by the board of aldermen. The general council may compensate the members of said board out of the treasury at a rate not exceeding ten dollars to each for each day's service. Two members shall make a quorum. If two or all of the members of the board fail to attend, the mayor may, by writing, under his hand, appoint others to take their places for the time being. The board, when made up in whole or in part of such appointees, may reduce, but cannot increase assessments. The board of equalization, after convening in November, shall close its sessions during the month of December following. (*Section as amended by act of March 16, 1898.*)

§ 2993. **Board of equalization—appointment.** Board appointed by the mayor without consent of council was invalid; so if the

board was not appointed at the proper time. *Slaughter v. Louisville*, 12 R., 61; and see *Woolley v. City*, 24 R., 1357.

§ 2994. **Failure to elect board—complaint of tax-payer—proceedings.** If in any year a legal board of equalization is not elected, or fails to meet, or fails otherwise to perform any essential act, or if, in any year, the assessment books should not remain open for the requisite time, the tax bill shall not thereby become void; but when any tax-payer, in such a case, complains of the assessment upon him, such a board shall then be chosen in the manner indicated, or the board theretofore chosen shall meet, as the case may be, and hear all complaint in the manner stated; and the collection of tax bills from those so complaining shall be suspended till the board has heard and disposed of their complaints.

§ 2995. **Board to keep journal—place and time of meetings.** The board of equalization shall keep a full and true journal of its proceedings, which is to be preserved as part of the city records. The board shall hold its meetings at the assessor's office. It may be reconvened by the mayor, from time to time, to pass on the complaints of those retrospectively assessed.

§ 2996. **Tax bills—when to be listed with tax receiver when payable—evidence.** The assessor shall, during the month of December in each year, or as soon as the rates for the coming year are fixed, begin to make out the tax bills according to the provisions of the ordinances of the city levying taxes for the corresponding year, or according to the levy provided for

§ 2994. **Levy and assessment of taxes—**Ky. St., sec. 2994, provides that, if in any year the local board of equalization is not elected, the tax bill shall not thereby become void, but, when any taxpayer in such a case complains of the assessment on him, such a board shall be chosen in the manner indicated, or the board theretofore chosen shall hear all complaints, and the collection of tax bills from those complaining shall be suspended until the board has heard and disposed of the complaint. Held that, in an action by a city for taxes, an objection that the board of aldermen did not elect a board of equalization by a vote viva voce was unavailing to defendant. *Woolley v. City of Louis-*

ville, 71 S. W., 893; 24 Ky. Law Rep., 1357.

§ 2995. **Meeting of tax commissioners—notice of sittings.** A failure of the board of tax commissioners to meet at stated time invalidated the tax levy for that year. A notice signed by the assessor alone was not a compliance with the law, which required notice by the board of tax commissioners. *Slaughter v. Louisville*, 12 R., 61; see changes made by the present law.

§ 2996. **Tax bills—prima facie evidence.** Section of city charter making "tax bill" prima facie evidence of valid assessment, etc., is valid. *City of Louisville v. Johnson*, 95 Ky., 254; 15 R., 615; *Woolley v. City*, 24 R., 1357.

in section 2981,* as the case may be, and shall list such bills for collection with the tax receiver by the third day of January following, or as soon thereafter as practicable; said tax bills shall be payable on the third day of January, and due on the first day of May in the year for which made out. The taxes on personal property may be included with those on some one parcel of land and improvements. Each bill shall be authenticated by the assessor by his signature, or a stamped *fac simile* thereof, and when so authenticated, it shall be *prima facie* proof that all steps have been taken to make it a binding tax bill for the amounts and purposes, and against the person and property therein named or described; and this rule of evidence shall apply to the tax bills of eighteen hundred and eighty-five and eighteen hundred and eighty-six that have been so authenticated under the ordinance of the general council.

(c) Collection and Payment of Taxes.

§ 2997. **Tax bills listed with receiver—discounts for prompt payment.** The assessor shall make out the tax bills, and shall list such bills for collection with the tax receiver by the third day of January following, or as soon thereafter as practicable; and such taxes shall then be payable at the tax receiver's office. Those pay in January or the first ten working days in February shall be reduced by a discount of three per cent., and those paid in the rest of February by two per cent., and those paid in March by one per cent.

§ 2998. **Remedies for collection of taxes—interest.** All tax bills uncollected in whole or in part, and which remain in the

*In Acts 1891, '92, and '93, this reference is to sec. 213 of that act; evidently this is a mistake.—Ed.

§ 2998. (1) **Collection of taxes by action**—defenses. *Fonda v. City*, 20 R., 1652; *Reed v. City*, 22 R., 1636; *Walston v. City*, 23 R., 1852; for full discussion see *Woolley v. City*, 24 R., 1357.

(2) **Mode of enforcement.** The Legislature, having the power to enforce the tax, can not be restricted in its mode of collection; but it can not extort from the property owners under the guise of taxation more than the value

of the property subjected directly to the tax. *Broadway Baptist Church v. McAtee*, 8 Bush, 508.

(3) **Rate of interest.**—Section 2998, Kentucky Statutes, fixes the rate of interest that must be paid on uncollected tax bills. *Joyes v. City of Louisville*, 26 Ky. Law Rep., 713.

The provision of this section being the amended act of March, 1906, providing that delinquent taxes shall bear interest after the first year of their delinquency at the rate of one per cent. per month, held constitutional. *Specht v. City of Louisville*, 122 S. W., 846.

hands of the tax receiver on the first day of May succeeding the date on which they were listed with him for collection against any person owning property in his own right, shall be deemed a debt from such person to said city arising as by contract and may be enforced as such (except those against persons under the disability of infancy, coverture or unsound mind), by all remedies given for the recovery of debt in any court of this Commonwealth otherwise competent for that purpose; and those bills assessed against an administrator, executor or trustee shall be a charge against the whole succession of trust estates and may be in either case enforced accordingly, this being in addition to the other remedies hereinafter given. All tax bills remaining unpaid on the first day of May, succeeding the date on which they were listed with the tax receiver for collection, shall bear interest at the rate of one-half of 1 per cent. for every month, or fraction of a month from date until the first day of the next succeeding May; and thereafter shall bear interest at the rate of 1 per cent. for every month or fractions of a month until paid. (*Section as amended by act of March, 1906.*)

§ 2999. **Tax receiver to notify delinquent tax-payers.** In the months of May and June of each year, the tax receiver shall, by himself, deputy or employe, mail to every person in arrears for taxes for that year, to the guardians and committees of infants and lunatics, and to the agents of absent property owners whose address is unknown to him, postpaid letters directed to the best of his knowledge, and indorsed with the request to return to him if not delivered within ten days, substantially framed thus:

"Your tax bill for the year —, amounting to \$——, besides interest, remains unpaid, and will, if unpaid by the twentieth of August next, be collected by distraint or garnishment of rents, with penalty added.

"....., Tax Receiver."

§ 3000. **Receiver to file list of unpaid bills with comptroller —penalty for false report.** He shall make a list of all his bills remaining wholly or in part unpaid on the first of July, showing whether the person was written to, and whether the letter came back as undelivered. He shall file the list with the city comptroller. For reporting falsely, he shall answer to the person aggrieved for all costs, penalty, or damages caused thereby, but neither a false report, nor a failure to report, shall invalidate subsequent proceedings under this act.

§ 3001. **Warrants upon unpaid tax bills—penalties.** Between the first and twenty-first of August following, upon the filing of these lists, the comptroller shall make out for the tax bills wholly or partly unpaid (except when the persons assessed or appear from the face of the bill to be infants, persons of unsound mind, or fiduciaries assessed on behalf of a trust estate) warrants substantially in the following form, except that no penalty shall be allowed on a warrant upon any tax bill that is not fully reported on in the list in conformity with the requirements of this section; and provided, further, that where the warrant calls for more than three hundred dollars, it shall allow five per cent. penalty on the first three hundred dollars only, and one per cent. on the residue:

“The Commonwealth of Kentucky, to the tax receiver of the city of _____, greeting: We command you, by distraint, to make of the goods and chattels of _____ (person assessed) by cash sale, the sum of \$_____ (amount of tax bill or balance of tax bill), due for taxes to the city of _____, as per tax bill number _____, together with interest at the rate of one-half of one per cent. per month, or fraction of month, from the first of May last past, and five per cent. penalty on the principal sum (up to three hundred dollars, and one per cent. on the residue), and return this warrant with your doings thereunder on or before November first, A. D. _____.

“Given under my hand, this first day (or if the first be Tuesday, second) of August, _____.

_____, *Comptroller.*”

The penalties provided for shall, when collected, go to the tax receiver for the city.

§ 3002. **Warrants levied by receiver—advertisement and sale.** The warrants shall, unless payments be made otherwise, be levied by the tax receiver, or one of his deputies, on any goods and chattels belonging to the person assessed. The advertisement, sale and delivery to purchaser shall be made in like manner as of goods levied upon under execution on a replevin bond. The warrants, with the doings of the receiver truly indorsed thereon, by himself or deputy, shall be returned

§ 3001. **Penalty for non-payment on the day.** The exaction of ten per cent. for non-payment of the assessed tax within a prescribed time is not a penalty for enforcing which an indictment or

other judicial process is necessary, but is only a provisional and valid increase, pro rata, of the assessment. *Lou. City Ry. Co. v. Louisville, 4 Bush, 478.*

by him to the office of the city comptroller on or before the return day named. The warrants, of distraint, when directed against a married woman, may also be levied upon such goods of her husband not exempt from levy under a like warrant against him, and found on any of the lands or improvements for which the married woman is assessed.

§ 3003. **Fiduciaries and agents to pay taxes out of income—liability.** Every guardian, committee, trustee, or other fiduciary appointed under the laws of Kentucky, or by a deed or will recorded in any county clerk's office therein, who has the management of any lands or improvements in the city, and every agent of a non-resident of Kentucky owning property in the city who collects the rent thereof, or the husbands of women owning such lands or improvements, who collect the rent or income thereof in money, or enjoy the profits of such lands or improvements by occupying the same, shall, before the fifteenth of September of each year, pay out of the net income of such lands and improvements the city tax assessed upon the same in the preceding year, with accruing interest, before applying such income to the wants of, or paying it over to, his beneficiaries or employer, any instructions of the latter notwithstanding; and, in default thereof, he shall be liable for such tax to the amount of the income which he might have so applied, which liability may be enforced in equitable proceedings, in which it shall not be an answer that the city has a security in its lien upon the lands and improvements.

§ 3004. **Lien—unpaid tax bills—proceedings to collect—notice—garnishments of rents—agents paying.** The city shall have a lien for taxes on the rents or income of all property superior to the lien of the landlord or owner thereof. Between the first and fifteenth of November of each year the tax receiver shall make out and return to the city comptroller a list of all tax bills unpaid, in whole or part, assessed upon improved lands or improvements, or on unimproved lands or personalty owned by persons who also own improved lands or improvements. This list may be made on the report provided

§ 3003. **Lien—personal liability of owner—agent or personal representative.** Under sections 3003 and 3005, Kentucky Statutes, not only a lien may be enforced, but a personal judgment may be rendered under either section against the owner of

property or against the trustee, personal representative or agent in his fiduciary capacity for taxes due the city, and which became due more than five years before the filing of the petition. *City of Louisville v. Robinson's Ex'or, &c.*, 27 Ky. Law Rep., 375.

for in section —.* After the fifteenth day of November, he and his deputies shall proceed to notify all tenants of the persons owning such tax bills that they must withhold their rents to the amount of such bills and interest thereon, and five per cent. penalty on the face thereof in addition thereto; but the penalty shall be disallowed in the cases in which it is disallowed in the warrant of distress; and it shall, upon the excess above three hundred dollars, be reduced to one per cent. The notices shall be in writing, upon blanks, substantially in the form following:

COMMONWEALTH OF KENTUCKY.

To the tenants of ———, a tax-payer of the city of ———,

“Greeting: You, and each of you, are warned to withhold from ——— (name of tax-payer) the rent due or accruing from you to him, to an amount not exceeding \$—— (amount due on tax bills), with interest from May first, of this year, at the rate of one-half of one per cent. for each month or fraction of a month, and five per cent. penalty on the principal sum (up to three hundred dollars, and one per cent. on the remainder), and pay the same into the appropriate division of the circuit court to meet the demands of the city of ———, until advised of the withdrawal of this garnishment.

“Witness: ———, city comptroller, this first (or second) day of November, A. D. ———.

“....., *City Comptroller.*”

And they shall be served by copy, and the notice, as returned, filed with the comptroller; and such services shall, until the tax is paid in full, with interest and penalty, be a defense *pro tanto* to the tenant in any proceedings by the landlord for the recovery of the rent, and shall operate to transfer *pro tanto* to the city the rights and remedies of the landlord. The taxes on any parcel of property may thus be enforced out of the rents of any other parcel of the same owner or owners. The penalty provided for herein shall go to the tax receiver for the benefit of the city. A failure to obtain or serve the notices herein provided for shall make the receiver answerable to the tax-payer for the cost arising to him thereby. Any tenant so served shall show the copy delivered to him to the receiver of the circuit court, and pay to him any rent then due,

*In the act as published in The section referred to is foreign Session Acts 1891, '92, and '93, to the subject and evidently is a this reference is to sec. 230, mistake.—Ed.
which is sec. 3016 of this book.

or thereafter accruing, to the extent of the garnishment. Such court receiver shall, without cost to the tenant, have the proper money order entered in court, and open an account on his books. This payment into court shall be deemed a suit of interpleader, and shall fully discharge the tenant *pro tanto*, without regard to the validity of the garnishment or of the tax bill on which it was issued. The city and landlord may litigate over the fund in a summary way, under rules which said court shall make for that purpose; but either party may insist upon a hearing in regular action. The court, on the motion of the city, shall grant a rule in favor of the city against the tenant or agent to pay to the receiver of the court the rents or income due, or to become due, to his landlord or owner, on which garnishment has been served, and this rule may be enforced by process of contempt. Any tenant claiming under, or agent acting for, the owner of any real or personal estate, and paying the taxes to the receiver of court under a garnishment, shall have a lien on said property for the amount, and shall have a right to hold the possession of the same until the owner or person entitled to the actual possession shall pay or tender him the amount of such taxes, penalty, and interest, or shall tender or pay same to the city. The payment of said taxes to the receiver of the court shall be a just and valid defense to any writ of forcible entry and detainer, or other proceedings instituted by the landlord or owner to get possession of the property on the ground of the refusal of the tenant or agent to pay the rent.

§ 3005. **Action to recover taxes—claim against decedent's estate—city may purchase at tax sale.** On the first day of May of the second year after the assessment of city taxes the

§ 3005. (1) **Action to recover taxes—limitation.** When limitation begins to run against city as to right to maintain suit to recover taxes. *City of Louisville v. Johnson*, 95 Ky., 254; 15 R., 615; see *Wooley v. City*, 24 R., 1357; see *Com. v. Nute*, 115 R., 239; and Notes, sec. 2998.

(2) **Power to compromise claims for taxes.** 1. Under Constitution, section 52, providing that "the General Assembly shall have no power to release, extinguish, or authorize the releasing or extinguishing, in whole or in part, the indebtedness or liability

of any corporation or individual to this Commonwealth, or to any county or municipality thereof," the general council of a city has no power to compromise a claim for taxes after the assessment has been regularly made and the claim has come into the hands of the collecting officer; and especially has the general council of a city of the first class no such power after the city attorney has brought suit on the unpaid tax bill, as provided by Kentucky Statutes, section 3005.

The city attorney of a city of the first class has no power to

receiver shall make out a list of the bills still wholly or partly unpaid, on lands or improvements, and furnish the list to the city attorney, whose duty it shall be to bring, without delay, suits for the recovery thereof in the circuit court, except that where any litigation growing out of distrains or garnishments, or against guardians and others under section 3003 is still pending, he may await the termination thereof before bringing such suit. In these suits the city shall, unless the person liable for the tax be under disability, ask for and obtain a personal judgment against the person assessed, as well as the enforcement of the lien hereinafter given. The action herein authorized, and the judgment and subsequent proceedings therein (except as hereinafter excepted), shall be conducted in all respects like suits upon liens arising from contract, and the court shall have jurisdiction of all suits for taxes irrespective of amount. The sums due for taxes of later and earlier years shall be included in the petition and in the judgment. New tax bills, which are included with older ones against the same owners, on which the attempt at distraint and garnishment has proven ineffectual, need not be dealt with by the receiver in the way provided herein. The omission of the receiver to act as prescribed herein shall

compromise claims for taxes either before or after suit is brought. *City of Louisville v. Louisville Ry. Co.*, 111 Ky., 1.

(3) **Sale of real property to pay taxes.** The power to sell real estate for taxes, if not granted in express words in the city charter, must necessarily be implied from the language used. Redemption—conveyance to purchaser. *Johnson v. Louisville*, 11 Bush, 527.

(4) **Construction of statutes.** Section 3005, Kentucky Statutes, which provides that "when an action heretofore or hereafter brought under this or the following sections is still pending or undetermined, a new action upon subsequent accruing taxes may be brought, and either action may, in the discretion of the court, be carried to judgment separately, and a sale may be had under the judgment therein of sufficient property to satisfy the same, giving the purchaser a

title free from tax liens set up in other causes," will not relieve appellant of the liens in the other actions in which he was made a party because he can not claim both under and against the judgment at the same time, and having made his purchase subject to the lien of the city he can not afterwards claim that he holds free of that lien. *Burton v. City of Louisville*, 27 Ky. Law Rep., 514.

(5) **Statute of limitation.** This action to recover taxes was filed in 1888. The answer was filed in 1891, and an amended petition was filed in 1897. The defendant then filed an answer pleading the statute of limitation as a bar on account of laches in prosecuting the action with diligence. Held, That delay in bringing to trial an issue made by the parties does not again set in motion the running of the statute which had been arrested by the filing of the suit. *City of Louisville v. Horns-*

not defeat any suit of the city for taxes. When an action heretofore or hereafter brought under this or the following section is still pending and undetermined, a new action upon subsequently accruing taxes may be brought, and either action may, in the discretion of the court, be carried to judgment reparately, and a sale may be had under the judgment therein of sufficient property to satisfy the same, giving the purchaser a title free from tax liens set up in other causes. When for taxes assessed against a decedent the city seeks only the enforcement of the lien on the lands or improvements, or lands and improvements assessed, the statutory affidavit and demand need not be made before beginning or reviving a suit, nor in support of the claim. At any decretal sale of real estate the city may, by the mayor, city attorney, or assistant city attorney, bid the amount due such city for the taxes adjudged to be liens thereon, with interest and costs of suit and sale, and may become the purchaser of such real estate, with the same right to a conveyance and the possession thereof as provided by law in the case of any other purchaser. The owner of the real estate so sold, his heirs, representatives, or assigns, shall have the same right to redeem such real estate from the purchaser thereof at any time within one year from the day of sale, as is provided by law in the sale of real estate under execution, by paying to such purchaser the amount of the purchase price at said sale, with ten per cent. interest thereon per annum from the day of

by's Ex'ors, &c., 23 Ky. Law Rep., 1238.

(6) Commencement of action. Under section 2524, Kentucky Statutes, providing that an action shall be deemed to have been commenced at the date of the first summons or process issued in good faith from the court having jurisdiction, where the plaintiff did not know that the defendant was a non-resident, the action was deemed to have commenced by the filing of the petition and the issual of a summons.

Act providing for interest on taxes not special legislation. The provision contained in the charter of cities of the first class allowing interest on past due tax bills is not in violation of the

Constitution as special legislation, although a different rate of interest is provided for in another class of cities and no interest allowed on past due State, county or district tax bills.

Appeals. An appellant has a right to have an appeal granted by the clerk of the Appellate Court at any time within two years after the rendition of the judgment, whether or not the appeals granted in the court below have been dismissed. *Walston, Trustee, &c. v. City of Louisville*, 23 Ky. Law Rep., 1852.

(7) Lien for taxes—limitation—purchaser for value. Where appellant took no step in the prosecution of its action for tax after filing it for more than fifteen years, and in the meantime

sale. No real estate thus acquired by the city, except such as may be proper and necessary for public purposes, shall be held by the city for a longer period than five years, and unless the same is sold and conveyed by the city within said period, the title thereto shall escheat to the Commonwealth of Kentucky. (*Section as amended by act of May 26, 1897.*)

§ 3006. **Realty and leasehold estates—lien—errors not to release.** The fee-simple of all lands in the city, and the full term and renewal of every leasehold carrying with it the value of the improvements thereon, shall be subject, from and after the first day of September of each year to a lien for the city tax, to be assessed thereon for the succeeding year, which lien shall be superior to homestead right, and to all encumbrances, whether made before or after that date, except State taxes, and shall take precedence of dower, curtesy, remainders, reversions, or future estates; and from the beginning of the action a lien for each tax bill assessed against the same owner or set of joint owners shall also arise upon every piece of land or improvement still owned by him or them, with a view to a sale of less than all the pieces for all the tax bills, subject to such marshalling of burdens as against third parties as the rules of equity may require. The court may allow a purchaser or encumbrancer to release any parcel on payment of its tax, with interest and share of costs. The lien herein given for taxes shall attach, though through error in the proceedings for any year the tax bill may be unenforceable, in which case the lien reaching back to the date named shall support the city's claim for the taxes that may

appellee in good faith became a lender for value and without notice of the pendency of the suit or claim of appellant for taxes, a lis pendens did not exist in favor of the city at the time the interests of appellee intervened. Under the statute providing that limitation shall run against both State and municipal taxation, a city's right to enforce a tax lien may be lost by inexcusable laches. *Seibert et al. v. City of Louisville*, 101 S. W., 325.

Practice. The rule is that a party claiming the benefit arising from a lis pendens must, in order to entitle himself to it against

the bona fide purchaser, show that the suit had been prosecuted with reasonable diligence. *City of Louisville v. Burke, &c.*, 27 Ky. Law Rep., 896.

The city having failed to make the mortgagee a party to an action for the recovery of taxes for more than five years after the city had instituted the action, the mortgagee can not plead the five years statute of limitation in bar to the city's prior lien on the property as to the mortgagee. *Rissberger v. City of Louisville*, 118 S. W., 319.

be imposed afterward for the year in question by any curative act or acts of the Legislature.

§ 3007. **Collection of taxes due by infants and persons of unsound mind.** The goods of infants, or persons judicially found to be of unsound mind, shall not be distrained for the taxes assessed on their lands or improvements; nor shall their lands during their disability, be sold for less than two-thirds of their appraised value on any judgment of sale rendered for taxes and costs alone, when those lands or improvements have come to them through decent, distribution or devise, or the gift or settlement of some person then deceased, or have belonged to persons of unsound mind before they became such; nor shall, for taxes chargeable to the owner of the particular estate, the entire estate be sold for taxes and costs alone at less than two-thirds of the appraised value, so as to defeat reversions, remainders, or future estates, while any future estates are outstanding, unless the reversioners or remaindermen are ascertained and are of full age; nor shall such entire estates be put up to sale, unless the particular estate of the tax-payer had first been put up and has failed to bring the amount of the taxes and costs.

§ 3008. **Unlawful distrains and garnishments—remedies—injunction.** Any court of competent jurisdiction, not inferior to a circuit court, may, in the established modes of proceedings, and upon existing principles of law or equity, give redress against unlawful distrains or garnishments of rents that may be wrongfully made or threatened under color of this act: but no injunction shall be granted in such proceeding, except by the court or its judge, nor otherwise than upon notice to said city, and after a hearing.

§ 3009. **Receiver of court or attorney for city to pay taxes collected to city receiver.** The receiver of the circuit court, and all other ministerial officers in the county, shall pay directly to the tax receiver for the time being, on his own receipt, without the intervention of an attorney, the amounts received by the said city for taxes in any judicial proceeding. Where, from any cause, moneys so recovered have come into the hands of an attorney on behalf of the city, he shall deliver them to such tax receiver.

SUBDIVISION XXVIII.

Sinking Fund.

§ 3010. 1. **Sinking fund—commissioners—number and election.** The sinking fund to pay the bonded debt of the city is hereby continued as now established by law, and shall consist of the mayor, the president of the board of aldermen for the time being, and three persons to be chosen on joint ballot, as hereinafter directed, and they and their successors in office shall continue to constitute the "commissioners of the sinking fund of the city of Louisville," and by that name shall continue to have corporate powers and existence, may sue and be sued, and do and perform all things necessary to execute the duties required and powers given them by this act.

2. **President — compensation of members — by-laws — employes.** They shall annually elect one of their number president of the board, may fill vacancies, have and use a common seal, or act without such seal. They may allow compensation to each member of said board, other than the salaried officers thereof, for attendance upon the meetings of the board, not exceeding ten dollars for each meeting attended; and they may allow a reasonable compensation to said members for any special services that may be required of them by said board. They may prescribe and enforce such by-laws and rules, not contrary to law, as they may deem necessary for the proper conduct of the business and affairs of said sinking fund. Such by-laws may provide for deductions to be made from the compensation of the officers and employes of the sinking fund for neglect of duty or violation of the by-laws. Such commissioners shall elect and appoint all officers

§ 3010. (1) **Commissioners—**election by council under old charter. *Tillman v. Otter*, 93 Ky., 600; as to eligibility of person who lived in territory annexed to the city, see *Gibson v. Wood*, 105 Ky., 740; 20 R., 1547.

(2) **Gold bonds. City may make** its bonds payable in gold, although the act authorizing their issue is silent on this subject. *Farson v. Board of Coms.*, 97 Ky., 119; 16 R., 856.

(3) **Levy for sinking fund** may be omitted in any year by the council, and when so omitted the commissioners of the sinking fund can not compel the council to make the levy. *Coms. Sinking Fund v. Grainger*, 98 Ky., 319; 17 R., 901.

(4) **Sinking fund and redemption.** Act of March 9, 1867, created the board of commissioners of the sinking fund of the city of Louisville, Ky. St., section

and employes of said sinking fund, and shall prescribe their duties and fix their compensation; and all officers and employes of said sinking fund, except the president, treasurer and secretary, shall hold their offices at the pleasure of the board, as prescribed by the by-laws.

3. Commissioners—how chosen. The said commissioners, other than the mayor and president of the board of aldermen, shall be chosen for the term of three years and until their successors have qualified. The general council shall on joint ballot, in the month of October of each year, elect a commissioner of the sinking fund to fill the place of the commissioner whose term of service expires that year. In the event the general council fail to elect in that month, then the election shall be made by the commissioners themselves. If the person elected at any election by the general council shall fail to qualify within ten days next after his election, he shall be regarded as declining to act, and the commissioners of the sinking fund shall elect a person to fill said vacancy at a regular meeting of said board. Nothing in this act shall in any manner interfere with the term of office of any commissioner now elected by the general council.

4. Eligibility of commissioners. No one who is either alderman, councilman, or an officer of said city, county or State, shall be eligible to said office of commissioner to be elected by the general council, and who does not possess the qualifications required for the office of councilman in cities of the first class.

5. Oath commissioners and officers to take. Each of the commissioners of the sinking fund, and the treasurer and secretary of said commissioners, before entering upon the discharge of the duties of his office, shall make oath, well, truly, faithfully and according to law, to discharge the duties of his

3010, provides that the sinking fund of the city of Louisville, to pay the bonded debt of the city, is continued as established by law, and that whenever it is apparent to the board of commissioners of the sinking fund of any city of the first class (which includes Louisville) that the revenue and available assets of such sinking fund will be insufficient

to pay any future maturing bonds of the city, without unduly impairing the sinking fund, the commissioners shall certify such fact to the general council of said city. **Held,** That the corporation known as the "Commissioners of the Sinking Fund" is in existence. *Woolley v. City of Louisville*, 71 S. W., 893; 24 Ky. Law Rep., 1357.

office, which oath being reduced to writing, shall be signed by the affiant and attested by the officer administering said oath, and delivered, filed and kept as part of the records of the sinking fund.

6. Removal of commissioners from office. The said commissioners may be removed from office for malfeasance, or misfeasance, by the board of aldermen in the same manner as provided for the removal of executive and ministerial officers of cities of the first class.

7. Penalty for misappropriation of funds. Any persons having charge, control or possession of said sinking fund, or any part thereof, or any of its property, money, or evidences of property or stock or other valuable thing, who shall wilfully embezzle or misapply the same, or any part thereof, shall be deemed guilty of a felony, and on conviction thereof shall be confined in the penitentiary of this State not less than one nor more than twenty (20) years at the discretion of a jury.

8. Sinking fund—resources of —purposes for which it may be used. The sinking fund shall be under the control and management of the commissioners of the sinking fund, and shall be held and sacredly used for the payment of the principal and interest of the bonded debt of the city. The general council shall have no power to pass ordinances to diminish the present resources of the sinking fund as now established until the debts of said city, now or hereafter charged or chargeable upon said fund, are paid, but may pass laws to increase the said resources; and the whole resources of said fund from year to year shall be sacredly set apart and applied to the payment of the interest and principal of the city's debts chargeable on said fund, and to no other use or purpose until the whole of the debts of said city are fully paid and satisfied, including the present and any future indebtedness of said city. Nor shall any other bonds, nor interest thereof, be charged upon said fund, unless provisions

(5) Taxes payable to sinking fund. Taxes levied for the benefit of the sinking fund being in substance levied for the payment of the city's debts, the fact that they were made payable to the sinking fund commission did not effect their validity; the council

being required to make a levy to meet the obligations of the city, and the form in which the levy was made not being prejudicial to the taxpayer. *Woolley v. City of Louisville*, 71 S. W., 893; 24 Ky. Law Rep., 1357.

(6) Where a by-law of the

are made for the payment thereof at the time of the charge, sufficient, in the opinion of the commissioners, to pay the same.

9. Sinking fund—purpose for which it may be used—disposition of surplus. The funds, estate and income belonging now or hereafter to said fund shall be and is vested in and be under the control and management of the board of commissioners for the purposes herein declared; and if injured, withheld or abstracted, said board of commissioners may sue for and recover the same or any part thereof in their corporate name. The said commissioners shall apply said fund to the payment of the city's debts chargeable on the same, when they can do so on fair terms; but whenever there shall be a surplus of said fund, which cannot be applied on fair terms to the extinguishment of said liabilities, the said commissioners may invest the same in bonds of said city, or for which it is bound, or bonds of the State of Kentucky, or in United States bonds.

10. Bonds to be issued when resources of fund insufficient. Whenever it is apparent to the commissioners of the sinking fund of any city of the first class that the revenue and available assets of said sinking fund will be insufficient to pay, when due, any future maturing bonds of said city then issued and chargeable to said sinking fund, without unduly impairing the assets of said sinking fund, and the said commissioners of the sinking fund shall certify this fact to the general council of said city, the general council shall at once provide by ordinance for the refunding of said bonds by the issue of other bonds of said city, bearing such rate of interest and payable at such time and place as may be prescribed by the ordinance, and cause the same to be delivered to the commissioners of the sinking fund to be by them sold or exchanged, as they may deem most expedient, in order to retire the bonds which it is necessary to refund. The certificate of the commissioners of the sinking fund as to the inability of the sinking fund to pay when due any future maturing bonds out of its revenue and available assets, shall be conclusive evidence of the facts recited in said certificate.

Sinking Fund Commissioners provided that officers and employees shall be elected in June of each year, and enter upon their duties August 1st following, and serve until their successors are in like manner quali-

fied, it was held that an employee so appointed was entitled to hold for the full year, but could be removed for cause or by a change of the by-laws. *Meffert v. Brown*, 116 S. W., 779; 116 S. W., 1177.

11. **Commissioners may borrow money.** The commissioners of the sinking fund of cities of the first class shall have power, whenever they deem it necessary and expedient to do so, to borrow money to pay liabilities of the sinking fund, when the same can not be paid at maturity out of the current income of the sinking fund, to secure the re-payment of any money so borrowed: *Provided, however,* They shall not at any time borrow a greater sum than in their judgment can be repaid out of the current income of the sinking fund during the year in which the money is borrowed.

12. **Depository of funds.** The commissioners of the sinking fund shall deposit the funds in their hands as commissioners in some incorporated bank, State or National, located or doing business in said city. The bank selected by the commissioners aforesaid shall give bond with good and sufficient security to secure the said commissioners the payment of all moneys and other things of value deposited by them with such bank; and upon such bond recovery may be had for any breach of the conditions thereof by suit in any court of competent jurisdiction. The moneys or other things of value belonging to the sinking fund, or which may be placed to the credit of the commissioners of the sinking fund, can only be withdrawn upon the order of the treasurer and secretary, approved and certified by the president of the commissioners of the sinking fund.

13. **Water company stock.** There shall be added to the present resources of the sinking fund of said city the stock owned by her in the Louisville Water Company. The commissioners of the sinking fund shall have the power to purchase from individuals holding the same the certificates of stock held by said individuals in the Louisville Water Company, and when so purchased shall be held by said commissioners as a part of the sinking fund of said city.

14. **South Louisville bonds to be paid.** The sinking fund is hereby charged with the payment of the principal and interest of the fifty thousand dollars of bonds issued by the town of South Louisville, dated the first day of November, one thousand eight hundred and ninety-two, and payable on the first day of November, one thousand nine hundred and twelve, at the Fidelity Trust and Safety Vault Company, of Louisville, Kentucky, and the general council shall make an annual levy, sufficient, in the opinion of the commissioners of the sinking fund, to pay the interest upon said bonds, and to create a fund for the principal thereof, when due, and

said sums so levied and collected shall be paid into the sinking fund for the aforesaid purposes.

15. Commissioners not to speculate in bonds of city. It shall be unlawful for a commissioner of the sinking fund to trade or speculate in the bonds of a city of the first class, but any commissioner may hold or sell any such bond or bonds as he may own at the time he became a commissioner, and he may purchase such bonds as an investment, having first obtained the consent of the commissioners to do so, by resolution entered upon their record book. If any commissioner shall violate this section, he thereby vacates his office, and it shall be the duty of the other commissioners to elect another person to fill the vacancy.

16. Secretary and treasurer—bond, term and duties. The commissioners of the sinking fund, a majority thereof concurring, shall appoint or elect a suitable person who shall act as a treasurer and secretary of the board, and shall be the chief license inspector. He shall execute a bond to the commissioners and their successors, with good and sufficient security, to be approved by them, to faithfully perform his duties and faithfully account for all moneys, notes, bonds, stocks or other things of value that may come to his hands or control, and upon such bond recovery may be had for any breach of the conditions thereof. His term of office shall be four years and until his successor is qualified, and all vacancies occurring during the time shall be filled by an appointment of said commissioners. Said treasurer and secretary shall keep a true and correct record of all proceedings of the board of commissioners, receive and disburse all moneys by order of the board, keep a true and correct account thereof, superintend the issuing of licenses and receive the money therefor, and perform all other acts required of him by said board. He shall account for all moneys, bonds, stocks and other thing of value belonging to the sinking fund that may come to his hands or control; and if he shall appropriate to his own use any funds, money or other property belonging to said sinking fund, or shall fail or refuse to surrender any books, papers, moneys, bonds, stocks, notes or other thing of value to his successor in office, or to any person legally entitled to receive the same, he shall be deemed guilty of embezzlement and punished as provided by law for said offense.

17. Statements to be made by secretary and treasurer. The commissioners shall require monthly detailed statements from said treasurer and secretary of the condition of said

funds; and on or after the first day of January of each year said treasurer and secretary shall furnish to the general council a full, detailed statement of the said funds, its receipts and disbursements for the preceding year.

18. Bonds hereafter issued—provision as to. All bonds that may hereafter be issued by the said cities of the first class shall be made a charge upon the sinking fund of said city, and said bonds, when issued, shall be placed with and sold by the commissioners of said sinking fund; but no bond or bonds shall be made a charge upon said sinking fund unless provision shall be made for the payment of the interest and principal thereof at the time of said issue.

19. Assistant license inspector may execute warrants. It shall be lawful for warrants issued by the clerk of the police court in cities of the first class for a violation of license ordinances, or process in proceedings thereunder, to be executed by an assistant license inspector of said city, and his service thereof shall have the same effect as if done by the bailiff of said court; and it shall be the duty of said clerk to issue such process directed to an assistant license inspector whenever requested by an assistant license inspector to do so.

20. Repealing clause. All acts or parts of acts inconsistent or in conflict with this act are hereby repealed. (*Section as amended by act of March 22, 1902; the numbers of the subsections are the numbers of sections of act.*)

§ 3011. **Licenses provided for.** Pursuant to the authority conferred by § 2980 of the Kentucky Statutes, the General Council may by ordinance provide, in addition to ad valorem taxa-

§ 3011. (1) **License tax on attorneys** may be imposed under authority of this section. Elliott v. City of Louisville, 19 R., 414; 101 Ky., 262; and on vehicles, Bowser v. Thompson, 20 R., 31; 103 Ky., 331; on laundries, 105 Ky., 259; 20 R., 1172; on claim-shavers, 105 Ky., 514; 20 R., 1318; on insurance companies, 106 Ky., 207; 20 R., 1785; but a license tax on contractors was held unconstitutional in Figg v. Thompson, 105 Ky., 509; 20 R., 1322; and see Con., sec. 181, and notes.

(2) Weimer v. Commissioners of Sinking Fund, 99 S. W., 242; 30 R., 523, construing 3011 as amended by act of 1904, holding Section 2 of said act unconstitutional; the act of 1906 is a substitute of a general authority to impose a license tax, for the specific authority as enumerated in previous act.

The Act of March 21, 1906 (Acts 1906, page 310, Chapter 57, Secs. 5, 6), gives the city of Louisville even broader powers than it had before with respect to levying occupation taxes. City

tion, for licensing any business, trade, calling, occupation or profession, and the using, or holding, or exhibiting any animal, article or other thing, whether the same were or were not heretofore enumerated in any statute, and may fix in each case a license fee, all such fees to be paid into the sinking fund of such city.

This act shall in no way affect the validity of any license heretofore issued nor any penalty already incurred under any statute or ordinance requiring a license in such city. (*Section as amended by act of March, 1906.*)

§3012. **Other business or employment may be provided for by ordinance.** Each ordinance of such city imposing a license shall fix the fee to be paid therefor by the licensee, and shall also prescribe a penalty for failing to obtain said license when required so to do; provided, however, that nothing in any section of this act shall in any way effect the statutes and ordinances now in force in regard to liquor licenses. (*Section as amended by act of March, 1906.*)

§ 3013. **License fee to be paid in advance—expiration of license.** All licenses shall be paid for in advance, in the lawful money of the United States. All annual vehicle licenses shall be issued to expire on the first day of May of each year. All annual licenses for dogs shall be made to commence on the first day of July of each year and to expire on the thirtieth

of Louisville v. Roberts and Krieger, 106 S. W., 1197.

Merchant's license—authority for. Under this section the city may require a license of those merchants who commence business after assessment day. City of Louisville v. Roberts & Krieger, 105 S. W., 431. See also case of City of Louisville v. Sagalowski & Son decided January 20, 1910.

Hotel and restaurant keepers—licensing. Where a person has paid a license for keeping a hotel he is not subject to an additional license for operating a restaurant in the same building, even though the hotel is operated on the "European Plan." New Galt House Co. v. City of Louisville, 111 S. W., 351.

An ordinance requiring each barber shop to pay a license of \$5.00 per year and \$2.00 additional for each chair where more than two chairs are used is a valid occupation tax. City of Louisville v. Schnell, 114 S. W., 742.

An ordinance requiring a license of persons discounting or advancing money on claims cannot be enforced against a person who deals only in claims of the city. City of Louisville v. L. Simons & Co., 119 S. W., 185.

The payment of a pawnbroker's license does not authorize the sale of pistols unless a special license for that purpose be obtained. Stevens v. City of Louisville, 121 S. W., 977.

day of June of each year. (*Section as amended by act of March 22, 1902.*)

§ 3014. **License for only one year—place of business—change—liability of agents.** No license shall be issued for a longer period than one year, but may be for a shorter period, if allowed by ordinance. No license shall authorize the conducting of business at more than one place at the same time, but the place at which the business is to be done under the license may, with the consent of the secretary and treasurer of the sinking fund, be changed. The agent or agents of non-resident proprietors shall be civilly responsible for the license tax, and criminally responsible for carrying on business, in like manner as if they were proprietors.

§ 3015. **How license authenticated.** Each license shall be authenticated by the treasurer and secretary of the sinking fund, by his signature, or a stamped fac simile thereof.

§ 3016. **Transfer of unexpired license—conditions.** The unexpired term of all licenses (except for the sale of liquor) may be transferred by the holder, with the assent of the sinking fund, on the payment of five per cent. on the original cost of license: *Provided, however,* That the original license shall be surrendered, or, if lost or destroyed, the person to whom it was issued shall make affidavit that said original license had been lost or destroyed, and can not be produced. The affidavit shall be filed with the treasurer and secretary of the sinking fund.

§ 3017. **Treasurer and secretary to classify subjects of license—appeal—report of sales.** Every business, profession, occupation, calling, or subject herein provided to be licensed, where the maximum and minimum sum for the license is herein fixed, the general council may grade and class the respective subjects of license, and fix the rate of licenses for each grade or class at or within the maximum rates herein provided for such subjects respectively. In granting licenses the treasurer and secretary of the sinking fund shall, from the oath of the applicant or other evidence, ascertain the grade in which such applicant should be licensed; but said applicant shall have the right, within ten days, to appeal, in writing, to the commissioners of the sinking fund from the action of the treasurer and secretary and the commissioner shall have power to determine in which grade the applicant shall be placed. In all cases where the amount of license to be paid by any person, firm or corporation is based upon or regulated by the

amount of sales made or business done, such person, firm or corporation shall render a sworn statement to the treasurer and secretary of the sinking fund of the total amount of sales made or business done by them respectively during the preceding year, which statement shall be considered in determining the amount for which such license shall be issued. (*Section as amended by act of March 14, 1898.*)

§ 3018. **License to specify name and place of business.** Every license shall specify by name the person, firm, or corporation to whom or to which it shall be issued, and shall designate the particular place at which the business shall be carried on.

§ 3019. **Evidence of person's liability to pay license.** The fact that any person, firm or corporation representing himself or itself as engaged in any business, calling, profession or occupation for the transaction of which a license is required, or that such person exhibited a sign or advertisement indicating such business, calling, profession or occupation shall be conclusive evidence of the liability of such person to pay for a license.

§ 3020. **License to be exhibited by licensee.** Every person, firm, or corporation having a license shall exhibit the same while in force whenever requested to do so by any officer of the license or police department.

§ 3021. **Peddler to carry and exhibit license.** Every peddler, while engaged in peddling, shall carry his or her license, and exhibit the same whenever requested to do so by any license or police officer.

§ 3022. **Enforcement of license law and collection.** The enforcement of the license law and collection of the licenses shall remain, as heretofore, under the control of the commissioners of the sinking fund.

§ 3023. **Conviction for carrying on business without license.** The conviction and punishment of any person for transacting any business without a license shall not excuse or exempt such person from the payment of any license due or unpaid at the time of such conviction.

§ 3024. **Commissioners to pay into treasury at end of fiscal year.** The commissioners of the sinking fund shall, at the end of each fiscal year, pay to the city treasurer any revenues

remaining after paying the current expenses of such year, and the interest accruing in said year, and setting apart for the sinking fund a sum equal to five per cent. of the principal of the bonded debt chargeable against the sinking fund.

§ 3024a. 1. **Board of Waterworks.**—Whenever any city of the first class is the owner (through its commissioners of the sinking fund) of all of the shares of capital stock in any corporation existing under the laws of this Commonwealth, engaged in supplying water to such city and inhabitants thereof, such city shall control, manage and operate the plant of such corporation, including its franchise, and all other property of every kind and description, in the manner hereinafter provided.

2. The mayor of any such city shall appoint, subject to the approval of the board of aldermen, four (4) persons, who shall constitute a body corporate and be known as its "board of waterworks;" and the mayor of such city shall be an ex-officio member of said "board of waterworks." Each appointee shall be at least thirty years of age, and reside within the city and be the owner in his own right of real estate situated therein. No officer or employe of said city, whether holding a paid or unpaid office, shall be eligible for appointment to the said board. The terms of office of the persons first appointed, as above provided, shall be as follows: One for a term of one year; one for a term of two years; one for a term of three years, and one for a term of four years. Thereafter as their terms expire their successors shall be appointed in the same manner, but for terms of four years each: *Provided, however,* That no member of the board shall be eligible to succeed himself except the three who were first appointed for the short terms of one, two and three years, respectively. All vacancies upon the board, whether caused by death or resignation, shall be filled for the unexpired term by appointment in the same manner. Such member shall hold his office until his successor has been appointed and qualified.

3. Each member shall qualify for his office by taking oath before some one authorized to administer the same that he will faithfully perform the duties of a member of the board of waterworks, which oath of office shall be filed with the board of sinking fund commissioners.

4. Said board shall annually elect a president, a treasurer, a secretary, and a chief engineer, who shall hold their offices for one year, or until their successors have been duly

elected and qualified, and devote all of their time to the duties of their respective offices. No member of said board except the president shall receive a salary. The president shall be elected from the members of the board. The president, secretary and treasurer shall each give bond with approved surety in such amount as may be fixed by the board, which bond shall be payable to the board of waterworks, and obligate the makers thereof to perform faithfully the duties of their several offices, and faithfully account for and pay over all money or other things of value which may come into their several hands. The combined salaries of the president, treasurer and secretary shall not exceed the sum of \$9,000. The board shall have the authority to appoint such other agents or employes as they may deem necessary or proper, and to fix the compensation of its officers, agents or employes: *Provided, however,* That the salary of no officer, agent or employe shall exceed the sum of five thousand dollars per annum.

5. Said board of waterworks so constituted shall be vested with all the authority, rights, powers and privileges, and exercise all the franchises of the corporation of which such city owns all the stock, as described in the first section of this act; it shall have the possession, control and management of all the property, of every kind and description, real, personal, or mixed, of said corporation; it shall have the authority to contract and be contracted with; to sue and be sued, but all such contracts shall be made and all such suits shall be prosecuted or defended in the name of the corporation in which such city owns all of the stock, as above described: *Provided, however,* That nothing in this act shall in any way effect the provisions of sub-section 13 of section 3010 of the Kentucky Statutes, which adds the stock owned by cities of the first class in its waterworks company to the resources of the sinking fund of such city.

6. Any such city of the first class shall have, through its board of waterworks, the use, free of charge, of all the water necessary for its fire department, its police department, its public buildings, its school board, and for sprinkling its public highways, including its parks and parkways, and shall in turn exempt all the property, both tangible and intangible, of which it has the control through its board of waterworks from taxation for municipal purposes, and shall not include any of said property in its assessment for taxation; but nothing herein provided shall affect the right and duty of said board of waterworks to fix, make and collect reasonable sums or rates for the use or sale of water furnished to any other

individual, firm or corporation, whether the same be by assessment or meter measurement in its discretion.

7. The general council of any such city of the first class shall have the authority, by ordinance duly enacted, to fix such reasonable terms and conditions upon which such board of waterworks shall exercise its right to cut into the streets, alleys or other public ways of the city, and it shall be the duty of the board of waterworks to observe the same.

8. All of the lawful debts and obligations of any such waterworks corporation, described in the first section of this act, existing at the time this act shall take effect, and all of the debts and obligations created by said board of waterworks in the management and operation of said properties and in the performance of its duties herein provided, shall be paid and discharged out of the property and rents, earnings and incomes derived therefrom and coming into the hands of said board, and such city of the first class shall not be liable as a municipal corporation for any such debts or obligations.

9. Said board of waterworks shall have the authority to borrow money and execute the necessary writings therefor, not to exceed the gross receipts for the current year, for the purpose of providing for any of the obligations of said waterworks corporation and for the current expenses of said board, and in addition thereto, whenever said board shall deem it expedient to provide for the refunding of any outstanding bonds of such waterworks corporation, or the funding of its floating indebtedness, it shall have the authority—the commissioners of the sinking fund of such city having first, by resolution, consented thereto—to issue for either or both of said purposes, the bonds of such waterworks corporation not to exceed in amount the sum of one millian (\$1,000,000) dollars, in denominations of one thousand (\$1,000) dollars each, to mature not exceeding forty years from date, bearing interest at a rate not to exceed four per cent. per annum, payable semi-annually, such interest to be evidenced by coupons attached, said bonds to be signed by the president and secretary of said board, and said coupons to be evidenced by the engraved signature of the secretary, and to secure the said bonds, with the coupons so attached, by a mortgage upon the rights, privileges, franchises and property of said waterworks corporation. Said bonds when so issued shall be placed with and sold by the commissioners of the sinking fund at a price not less than their face value, and the proceeds applied by said commissioners to the purposes for which the bonds were issued. It shall be the duty of said board of

waterworks to provide, at any time any such bonds are issued, for a sinking fund, which shall be sufficient to pay said interest coupons, and to retire the principal of said bonds at maturity, which sinking fund shall be deposited by said board with the commissioners of the sinking fund of such city to be invested, managed, controlled and applied by said commissioners for the payment of the interest and principal of the bonds so issued, the total bonded debt upon said property outstanding at any time shall not exceed one million five hundred thousand (\$1,500,000) dollars.

10. Said board of waterworks shall have the authority to establish and enforce such reasonable rules and regulations for its own government; including the signing and execution of the contracts referred to in section 5 of this act as it may deem expedient: *Provided, however,* That said board shall make quarterly a financial statement, showing its liabilities, receipts and expenditures, and deliver a copy thereof to the general council of the city, same to be spread on its minutes.

11. All acts and parts of acts inconsistent herewith, whether contained in general or special statutes, are hereby repealed.

12. This act shall constitute and be known as section 3024a, of subdivision 28, of the Kentucky Statutes. (*Approved March, 1906.*)

The validity of the above section was sustained in the case of *Kirch et al. v. City of Louisville*, 101 S. W., 373; 30 R., 1356.

SUBDIVISION XXIX.

Liquor Licenses.

§ 3025. **One form of license—amount of tax.** There shall be only one form of license for the retailing of liquor. The tax to be paid therefor shall be determined by the general council, but it shall not be less than one hundred and fifty dollars nor more than one thousand dollars.

§ 3026. **Authorizes sale of vinous, spiritous, or malt liquors.** This license shall authorize the sale of vinous, spirituous or malt liquors, and shall be called the "liquor license."

§ 3027. **Retail and wholesale dealers—who deemed.** Any person who sells liquor in quantities less than five gallons shall be deemed a retailer of liquor; but wholesale liquor dealers may, without being treated as retailers of liquor, sell a case of liquor bottled, and containing not less than two (2) gallons, to non-residents of the city, for consumption outside of the city.

§ 3028. **Druggists and apothecaries—sale as medicine—prescription.** Druggists and apothecaries may, without a license, sell unmixed alcohol or admixtures of wine, alcoholic, spirituous or brewed liquors in the preparation of medicine, or upon the written prescription of a regular practicing physician; but no druggist or apothecary shall sell or keep for sale any preparation or mixtures thereof as a beverage. Said druggists and apothecaries must require a separate written prescription for each sale of liquor by them. Any druggist or apothecary who, by subterfuge or device of any kind—by giving away liquor, or otherwise—seeks to evade the provisions of this act, shall be both fined and imprisoned, as may be prescribed by ordinance.

§ 3029. **License for one year—transfer—surrender—deduction for unexpired term.** A license granted shall be good for only one year, and shall not be transferable without the consent of the license board. Upon the surrender of a license, the

§ 3029. **A person whose license has been revoked** by the License Board for selling liquor in violation of law cannot recover the

unearned portion of the license fee. *City of Louisville v. Cain*, 119 S. W., 763.

board shall make a reasonable allowance for the unexpired term. A license granted shall be good only for one year, and shall not be transferable without the consent of the license board and the payment of five per cent. on the original cost of license: *Provided, however,* The original license shall be surrendered, or if lost or destroyed, the person, firm, or corporation to whom it is issued shall make affidavit that said original license has been lost or destroyed, and can not be produced. The affidavit shall be filed with the treasurer and secretary of the sinking fund.

§ 3030. **License board—who constitutes—chairman and secretary.** The judge of the city court, the chairman of the board of public safety, and the president of the commissioners of the sinking fund shall constitute the license board. The judge of the city court shall be the chairman, and the secretary of the sinking fund shall be *ex officio* secretary.

§ 3031. **Application for license, or for its transfer—how and when made.** Any person desiring to obtain a liquor license, by original application or by transfer, shall file an application for such license before the secretary of said board thirty days before the same may be issued to him. This application shall be sworn to by him, and by two reputable voters of the precinct in which he desires the right to retail liquors. Said application shall show the following facts, that the applicant is of temperate habits and of good moral character; that he is a housekeeper in the city; and he has not within five years, kept a disorderly house or been convicted of any crime; and he shall execute and file with the license board a bond, with good sureties, the owners of property in the city subject to execution worth not less than five hundred dollars, conditioned that he will not violate the requirements of the law.

§ 3032. **Application to be published—remonstrance.** The secretary shall cause to be twice published in the newspaper doing the official printing of the city a list of the applicants for licenses, with the location of the business. Any person desiring to object to the granting of a license to any applicant may file a remonstrance with the secretary of said board within two weeks after said publication, and thereafter said

§ 3031. **Where a bond given** by a liquor dealer pursuant to this section does not state the sum to be incurred as a penalty,

no recovery can be had upon such bond by the city. *City of Louisville v. Cain*, 119 S. W., 763.

application and the remonstrance, and any evidence offered by either party in support thereof, shall be considered by said license board in open meeting at such time and place as may have been fixed by said board.

§ 3033. **Qualifications of applicant—when license refused.** No license shall be granted to any person who has not the qualifications above described. No license shall be granted to retail liquor in any precinct, if, in the opinion of the board, the retailing of liquor at the place named will be injurious to the people thereof, or if a majority of the voters of the precinct registered at the last annual registration remonstrate against the granting of the same. An appeal may be had to the circuit court, as is provided in the following section.

§ 3034. **When board may revoke license—appeal.** Any license granted by said board may be revoked by it, after an open trial, with due notice to the licensee, whenever, in the judgment of said board, the licensee has conducted a disorderly

§ 3033. **Liquor license—appeal—practice.** The provisions of this statute, sections 3033, 3034, allowing an appeal to the circuit court, are valid, and an appeal may be taken from the judgment of the circuit court to the court of appeals. On the trial of an appeal in the circuit court no evidence should be heard except that introduced before the license board. *Thompson v. Koch*, 98 Ky., 400; 17 R., 941.

§ 3034. **The city of Louisville** is entitled to be present by counsel and assist the Commonwealth's Attorney in an appeal from a decision of the License Board revoking a license. *Commonwealth v. Campbell*, 107 S. W., 797.

The action of the license board of a city in granting a liquor license to one guilty of keeping a disorderly house does not wipe out the offense, and the board may subsequently refuse a license on that ground.

That a saloon-keeper kept a disorderly house by permitting disorderly persons engaged in

frauds on election day to assemble about his place of business did not justify a rejection of his subsequent application for a license; the keeping of a disorderly house on one day not being evidence that a disorderly house was kept within the statute. *City of Louisville v. Hendricks*, 116 S. W., 747.

The decision of the License Board denying an application for a liquor license is entitled to great weight, and unless its discretion has been abused, the court on appeal should not reverse it. *City of Louisville v. Gagen*, 116 S. W., 745.

Where the applicant for a license had occupied certain premises in the business portion of the city as a saloon for ten years and the premises had been used for saloon purposes for fifty years, it was an abuse of discretion to deny the petitioner's application for a new license because a church had been constructed in the meantime on the opposite side of the street. *City of Louisville v. Gagen*, 118 S. W., 947.

house, or violated the law with respect to the sale of liquor, and either party who shall feel aggrieved by the decision of the board may have an appeal to the circuit court.

§ 3035. **Prepayment of license required.** Every license shall be paid for by the applicant before the license is issued, but after his application has been approved by the board.

§ 3036. **Deposit by applicant—what license shall specify—exhibit of license.** The applicant, before filing his petition with the secretary, shall deposit the sum of five dollars with the city treasurer, which sum shall be in addition to the amount paid for the license, and he shall obtain from the city treasurer a receipt therefor, and shall file said receipt with his application. A report showing the sums so received shall be made by the city treasurer and secretary of the board to the comptroller. The certificate of "liquor license" shall be kept hung up in some conspicuous place in the room where liquors are sold, at all times plainly exposed to public view. Every license shall specify by name the person, firm, or corporation to whom or to which it shall be issued, and shall designate the particular place at which the business shall be carried on.

§ 3037. **Failure to pay license after application approved.** If an applicant do not pay the requisite sum for his license within ten days after his application has been approved, due notice of which shall have been given him, no license shall thereafter be granted him on said application.

§ 3037a. **Owner excavating to protect adjacent property.** That whenever the owner of a lot in a city of the first class proposes to excavate upon such lot to a depth greater than ten feet below the top of the curbstone of the sidewalk adjoining such lot, or to cause an excavation to be made on such lot to a depth greater than ten feet below the top of such curbstone, the owner so proposing to excavate or to cause an excavation to be made shall, at his own expense, protect any wall on adjoining land on or near such excavation from injury from such excavation, if the necessary license is afforded him to enter upon such adjoining land for that purpose, but not otherwise. (*This section is an act of March 21, 1906.*)

SUBDIVISION XXX.

Sewerage Commission.

§ 3037b. 1. **Sewerage commission — qualifications — term.** The mayor of any city of the first class may appoint four persons who, with the mayor as a member *ex officio*, shall constitute a sewerage commission. Of such appointees two shall be members of the Democratic party and two members of the Republican party. Each appointee shall be at least twenty-five years of age and reside within the city, and be the owner in his own right of real estate. No officer or employe of said city, whether holding a paid or unpaid office, shall be eligible for appointment to the said commission. Such appointees shall be subject to the approval of the board of aldermen. The term of office shall be four years, but if the work herein provided for is sooner completed, such term of office shall expire at such completion. Vacancies shall be filled for the unexpired term in the same manner as the original appointment.

2. **Powers of commissions—officers—salaries.** The persons appointed as provided in the first section shall constitute a body corporate under the name of the Commissioners of Sewerage of Louisville, and shall have a capacity to contract and be contracted with, to sue and be sued in that name, and to adopt a seal and alter the same at pleasure. Said commission shall elect a chairman from the appointed members. It shall also elect, by unanimous vote, a chief engineer, not a member of the commission, but such chief engineer shall be removable at the pleasure of the majority of the commission. It shall also, by unanimous vote, elect a secretary and treasurer, not a member of the commission, who shall hold the combined office at the pleasure of a majority of the commission. The commission may appoint such clerks, agents or assistants as it may deem expedient and fix their compensation. The chief engineer shall give his entire attention to the affairs of the commission and shall receive as compensation a salary to be fixed by the general council, not exceeding five thousand dollars per annum. The appointed members of the commission shall each receive a salary, to be fixed by the general council, not exceeding three thousand dollars per annum for the chairman and fifteen hundred dollars per annum for each of the others. The secretary and treasurer shall receive a salary, to be fixed by the commission, not exceeding twenty-five hundred dollars per annum.

3. **Map of city.** It shall be the duty of the commission to cause to be made a topographical map of the city and such parts of the county adjoining the same as may be necessary. It shall also employ two skilled consulting engineers who, with the chief engineer of the commission, shall report to the commission several systems, and among them what they consider the best system, for the construction, maintenance and operation of a comprehensive system of sewerage for the city, having in view the growth of the city and the extension of its boundaries, and they shall also report the estimated cost of each system. The commission shall have the power to pay for the making of such map and also to pay to the consulting engineers such reasonable compensation for their services and expenses as the commission may determine.

4. **Bond of certain officers.** The chairman, chief engineer and secretary and treasurer of the commission shall each give bond, with approved surety, in such sum as may be fixed by the commission, which bond shall be payable to the commission and oblige the makers thereof to perform faithfully the duties of their several offices, and faithfully account for any pay over all money or other thing of value which may come into their several hands.

5. **Report of most desirable system to be made.** When the commission shall have determined what system of sewerage is the most expedient to be adopted, it shall report the same, as well as the other proposed systems, to the mayor, giving a description of the general plan of each of the various systems of construction proposed, and the probable cost of each. The mayor shall lay this report before the general council and the system recommended by the commission shall be adopted and carried out by the commission, unless the system recommended by the commission shall, within thirty days after it has been received by the general council, be rejected and disapproved by a two-thirds vote of all the members of each board of the general council, each of said boards sitting separately. If said system so recommended by the commission be so rejected by the general council, then at any time within thirty days thereafter one or the other of the native systems presented as aforesaid to the general council may be considered by it, and of these systems the one shall finally be adopted which shall be approved by a two-thirds vote of all the members of each board of the general council, each of said boards sitting separately, and if none of the systems so submitted receive the necessary two-thirds vote within thirty days after the one recommended by the commission has been re-

jected as aforesaid, then said commission, with the approval of the mayor, shall have the right to choose a system and carry it out. The general council shall have no power to vary any system proposed and presented by the commission, but must adopt one of those reported, in its entirety.

6. Power of commission. Said commission shall have full power and authority to carry out the purposes of this act, among which powers shall be the following; that is to say:

(1) To make all such preliminary investigations and to do all such preliminary work as should, in its judgment, precede the actual projection, construction and establishment of a system of sewerage.

(2) To construct and establish all such local, district, lateral, intercepting, outfall or other sewers and all such conduits, drains and pumping or other plants, and all such buildings, structures, works, apparatus or agencies, and to lay all such mains and pipes within the said city or in the county in which such city is located, as it may deem expedient for carrying said system of sewerage projected and adopted into full effect.

(3) To incorporate with said system of sewerage or otherwise utilize for the purpose of this act, so far as it may deem expedient, any or all public sewers or drains, including storm water sewer and drains, and any and all of their appurtenances, either in their present condition or with such repairs, modifications or changes as said commission may see fit to make, and to enlarge or extend or to condemn, close up, abolish or destroy, in its discretion, any or all of such existing public sewers or drains, or to alter their functions or to increase their burdens, as it may think best.

(4) Besides the chief engineer, the commission may appoint or employ such other professional or technical advisers and experts and such agents, assistants, clerks, employes and laborers, skilled or unskilled, of all kinds, as it may deem requisite for the due and proper execution of the duties devolved upon it by this act, and may fix their respective compensation and remove or discharge them at pleasure, and may exact from any of its officers or employes such indemnity bonds for the proper performance of their respective duties as it may deem proper.

(5) To establish and enforce such reasonable rules and regulations for its own government and for the supervision,

protection, management and conduct of its work as it may deem expedient.

(6) To make and enter into, in its name, any and all contracts, agreements or stipulations germane to the scope of its duties and powers under this act.

(7) To purchase, hire or otherwise obtain the use of all such machinery, tools, implements, supplies, appliances, materials and working agencies as it may need for its purposes.

Provided, That this enumeration of special powers in the subdivisions of this section shall not be construed as restricting in any degree the scope of the general powers hereinbefore conferred upon the commission.

7. Land may be acquired. Said commission may acquire, by gift, purchase or lease, or by condemnation, any land or property situated wholly or partly within the city or within the county in which such city is located, or any interest, franchise, easement, right or privilege therein which may be required for the purpose of constructing, establishing, maintaining and operating such sewerage system. The method of condemnation of property shall be the same as that provided for the condemnation for appropriate municipal purposes by cities of the first class.

8. Removal of obstructions. All individuals or corporations having buildings, structures, works, conduits, mains, pipes, tracks, or other physical obstruction in, over or upon the public streets, lanes, alleys, or highways, which shall interfere with or impede the progress of said sewerage system when in process of construction and establishment, shall, upon reasonable notice from said commission, promptly so shift, adjust, accommodate or remove the same, at their own cost and expense, as fully to meet the exigencies occasioning such action, and the general council shall have full power, by ordinance, to prescribe the penalty for such failure.

9. Contracts—how awarded. All work done or supplies or material purchased in carrying out the purposes of this act, when involving an expenditure of five hundred dollars or more, shall be by contract awarded to the lowest and best bidder; but the commission, with the consent of four of the members, may itself do any part or parts of such work under such conditions as it may prescribe, by day labor, whenever the chief engineer, in writing, shall recommend that course. All bids, or parts of bids, for any such work or supplies of materials may be rejected by said commission.

10. Completed work to be turned over to Board of Public Works. And when any portion of said sewerage system shall be complete and ready for active operation, the commission shall restore the street, alley or other public way through which said completed work extends, to its original condition as near as practicable, and then notify the board of public works and turn over said completed portion to such board, and the same shall thereafter be under the exclusive control of said board of public works.

11. Election to authorize tax—bonds. In order to provide money for the projection, construction and establishment of said sewerage system, the general council may adopt an ordinance submitting to the voters of the city, at the November election, 1906, the question whether bonds of the city shall be issued for the purpose of carrying out the work herein provided for. The ordinance shall provide the date and maturity of such bonds, the rate of interest they shall bear and the total amount to be issued, which shall not exceed four million dollars; and the ordinance shall also contain the necessary details in reference to the execution and delivery of said bonds, their denominations, coupons to be annexed, tax to be levied to pay the interest and a sinking fund to retire such bonds at maturity. Said ordinance for the submission of the question of issuing bonds to the people may be adopted by the general council either prior or subsequent to the selection of the system to be used in the construction of said sewerage system.

12. Bonds—concerning. If the voters of the city shall determine that such bonds shall be issued, they shall, when so issued, be placed under the control of said commission, who shall determine when and at what price and how they shall be sold: Provided, That no such bonds shall be sold for less than par: and provided further, That any premium which may be obtained from said bonds shall constitute a part of the sinking fund for their ultimate retirement. As the said bonds are sold, their proceeds shall go to the credit of the commission in the same depositories which are selected for the deposit of the funds of the sinking fund commissioners of the city, and upon the same agreement as to interest, and shall be withdrawn only upon the checks of the secretary and treasurer of the commission, countersigned by the chairman, accompanying a voucher approved by the chief engineer.

13. Disbursements—concerning. All disbursements of the commission, including compensation to its members or officers,

engineers, agents, and others employed by it, shall come out of the proceeds of the sale of the said bonds; provided, however, that the commission shall have the right to borrow enough money to defray the liabilities incurred by it up to the time it shall receive such proceeds, and in the event that the voters of the city shall reject the said ordinance, then the city shall be responsible for the repayment of all money so borrowed, and provided that in the event the said ordinance to be submitted to the people is not adopted by them, then on the first day of December, 1906, the powers herein granted to the said commission shall cease and the said commission shall stand dissolved.

14. Property of commission to vest in city. Upon the dissolution of the said commission, as provided in section 13, or upon its dissolution growing out of its completion of the work and the consequent expiration of the terms of the members of the commission, all property, real, personal and mixed, franchises, easements, maps, plans, books, and papers shall, by operation of law, and whether acquired by gift, purchase, condemnation or any other method, vest in and become the property of the city, and all money then in the hands of the commission shall be by it turned over to the city to be used first to defray any liabilities which have been incurred by the commission, and, second, the balance, if any, to be paid into the hands of the commissioners of the sinking fund of such city, to be used by them as a sinking fund for the bonds hereinbefore provided for.

15. Board of Public Works—concerning. Section 2825, Kentucky Statutes, vesting a certain exclusive control in the board of public works, shall, to the extent that it conflicts with this act, stand repealed; *Provided*, That such exclusive control of the board of public works shall attach and thereafter continue as provided in section 10 of this act. (*This section is an act of February 19, 1906.*)

SUBDIVISION XXXI.

Tuberculosis Hospital.

§ 3037c. 1. **Board of.** That in counties in this Commonwealth which contain a city of the first class, there shall be created a board to be composed of ten persons, which shall be a body-politic and corporate, and shall be known as the "Board of Tuberculosis Hospital," and in which name it may sue and be sued.

2. **Mayor to appoint.** The members of said board shall be appointed by the mayor of the city and shall serve without compensation, and the mayor shall be *ex officio* a member of said board, and said members shall be appointed for a term of four years.

3. **Powers of board.** Said board shall have the power to organize and elect officers, rent or purchase, or to erect, and to conduct and maintain a suitable hospital and ground for the treatment of persons afflicted with tuberculosis, and to make all needful rules and regulations, with references to the admission and discharge of patients and the conduct of the affairs of the hospital, which, in their judgment, seem proper, provided such regulations be not in conflict with the law.

4. **Vacancies in.** The mayor of the city shall have power to fill any vacancies which may occur in the membership of such board through death, resignation or otherwise, by appointing some other person to fill out the unexpired term of such person as may have retired from the board during the term for which he was appointed.

5. **Tax to support.** For the purpose of meeting the expenses necessary to carry out the purpose of this act, the fiscal court of the county and the municipal board of the city in which such board shall exist are authorized, empowered and directed each to levy a tax not to exceed two cents and not less than one-half a cent on the one hundred dollars of taxables in their respective cities and counties, and the sums derived from said taxation are to be paid over to the said board for the purposes herein set forth. (*This section is an act of March 17, 1906.*)

SUBDIVISION XXXII.

Franchises—Sale of.

§ 3037d. 1. **Provision for.** That eighteen months before the expiration of any franchise acquired under, or prior to the present Constitution, it shall be the duty of the proper legislative body or boards to provide for the sale of a similar franchise to the highest and best bidder, on terms and conditions, which shall be fair and reasonable to the public, to the corporation, and to the patrons of the corporations.

Provided, That if there is no public necessity for the kind of public utility in question, and, if the municipality shall desire to discontinue entirely the kind of service in question, then this section shall not apply.

2. **City may purchase public utility plant.** If the municipality shall desire to own or operate, on public account, the utility in question, and shall take the steps necessary thereto within two years after the passage of this act, or within two years before the expiration of the franchise, and shall offer to purchase at a fair valuation, the plant of the company which is then rendering the service, then the municipality shall be under no obligation, by reason of this act, to sell or renew or to continue the franchise in question.

3. **Value—how fixed.** The fair valuation of the plant shall be determined by three persons; one to be selected by the municipality, one to be selected by the owners of the plant to be valued, and the third to be selected by these two. The plant shall be valued as a going concern, but no allowance shall be made for future growth.

4. **Quality and price of service—deposit and bond of bidder.** The terms and conditions mentioned in section one of this act shall specify the quality of service to be rendered and the price which shall be charged for the service.

Each person desiring to bid for such franchise shall first deposit with the proper officer of the municipality cash or duly certified check, equal to five per cent. of the fair estimated cost of the plant required to render the service, which check or cash shall be forfeited to the municipality in case the bid should be accepted and the bidder should fail, for thirty days after the confirmation of the sale to pay the price bid and to give a good and sufficient bond, in a sum equal to one-fourth of the fair estimated cost of the plant to be erected. Said bond shall be so conditioned that it shall be

enforcible, in case the party giving it shall fail, within a reasonable time, to establish a suitable plant for rendering the service and begin rendering the service in the manner set forth in the said terms and conditions.

5. **Exclusive franchise not to be granted.** No exclusive privilege shall be acquired under this act, nor shall the sale of a franchise to one person or corporation prevent subsequent sale of a similar franchise to another person or corporation.

6. **Applies only to first class cities.** This act shall apply only to cities of the first class. (*This section is an act of March 22, 1904.*)

BOARD OF CHILDREN'S GUARDIANS.

Appointment of Board in Counties Having Cities of First Class.

(Act of December 17, 1892.)

§ 2008. That in all counties of this Commonwealth in which there may be a city of the first class there shall be created a board to be composed of six persons, two of whom shall be colored, which board shall be a body politic and corporate, and shall be known as the board of children's guardians of said county, and in such name may sue and be sued. The members of said board shall be appointed by the judge of the city or police court, and shall serve without compensation, and the city or police judge shall be, ex-officio, member of said board. Two members of such board shall serve one year, when their successors shall be appointed, who shall serve three years; two members shall serve two years, and their successors shall be appointed, who shall serve three years; and two members shall serve three years, and their successors shall be appointed, who shall serve three years; and annually thereafter there shall be appointed two members, who shall serve three years.

Powers and Duties of Board—Provision for Temporary Homes.

§ 2009. Said board shall have the care and supervision of all neglected and dependent children under sixteen years of age in the county for which they were appointed, and shall

have the power to take under their care and control, in the manner hereafter specified, any children abandoned, neglected, or cruelly treated by their parents; children begging on the streets; children of habitually drunken or unfit parents; children kept in vicious or immoral associations; children known by their language and life to be vicious or incorrigible; all children of parents living together in unlawful cohabitation. Said board shall provide a temporary home, where such children as may be committed to their care may be suitably and comfortably maintained and educated, special attention being given to their moral training. They shall have the power, by leave of the judge of said court, to commit such children to orphan asylums, industrial schools, or State reformatory, or, under the order of any court having jurisdiction, said children may be indentured as apprentices, or may, by the consent of said board filed in the circuit court, be adopted without the consent of the parents of said child; or such children may be in any manner disposed of by said board as the said court, upon written petition, shall direct; Provided, That in committing children to the Industrial School of Reform, the court shall be governed by the law regulating commitment to that institution in every particular and that law shall not be deemed to be repealed, in any part, by this act: And provided, further, that in all indentures of apprenticeship made under this act special provision shall be made for the moral training of such apprentice, and said board shall have full power, and it shall be its special duty, to enforce such contract, see that the apprentice renders due obedience and service, and that his moral training and industrial education is not neglected, and that he or she is humanely treated, and comfortably provided for. For such purposes the board shall at all times retain its powers as guardian of such infant. (See, further, as to care of children § 325.)

Children When Taken From Parents—Petition in Police Court—Hearing of Petition.

§ 2010. Whenever said board shall have probable cause to believe that any child under sixteen years of age is abandoned, neglected or cruelly treated by its parents or parent, or is habitually sent out or permitted to beg in public places, or who lives by begging, or that the parent of any child is in constant habits of drunkenness or low or gross debauchery, or that the associations of such child are such as tend to its corruption and contamination, or that such child is known by language and life to be vicious or incorrigible, or that the

parents of such child are living together in unlawful cohabitation, such board shall file a petition in the city or police court, setting forth such facts in regard to such child, and thereupon the court shall issue a writ for the custody of such child, which shall be served upon the parents or person having actual custody or control of said child; or if such person is under no actual parental custody or control, then upon the child itself, and thereupon said board shall take and keep said child at the temporary home of the said board until the final order of the court upon said petition; or said board may, in its discretion, place said child in the temporary custody of some private individual until such final order of court. Notice of the time of hearing upon said petition shall be served upon the parents or person having the actual control or custody of said child, who shall have the right to call witnesses and be heard as to his or her rights, fitness and ability to care for and educate such child. If the facts set forth in said petition shall be found by the court to be true, and any of the aboves causes exist, it shall order that said child be committed to the custody of said board of children's guardians, and if the parents of such child are able to maintain and support said child, it shall be the duty of the court to require them to pay the board, and the court shall have the authority, by attachment or other proceedings, as in cases of contempt, to enforce such payment. (See, further, as to care of children, § 325.)

Board Not Liable for Costs of Fees—Costs to be Paid by County.

§ 2011. That in all cases in which said board of children's guardians is interested, or the filing of petitions, reports and proceedings for adopting wards of such board, no fee shall be taxed against said board by the clerk of the court, or the sheriff of the county, or any other officer; and said board of children's guardians shall not be liable for the payment of any court costs or witness fees; but all such costs as may be incurred by such board in the discharge of the duties herein enjoined upon it shall be paid by the county wherein such board shall be created out of the fund hereinafter provided for.

Power of Circuit Court to Remove Members of Board.

§ 2012. The circuit court of th county shall have power to remove any or all of said members of said board of chil-

dren's guardians for any misconduct or neglect of duty, upon a proper showing made in open court, after said member or members shall have been given a full opportunity to be heard in their defense.

Tax to be Levied to Meet Neessary Expenses.

§ 2013. For the purpose of meeting the expenses necessary to carry out the purposes of this act, the fiscal court of the county, and the municipal board of the city in which such board shall act, are empowered to levy a tax not to exceed one cent on the one hundred dollars of taxables in their respective cities or counties.

Duty of County and City Attorney.

§ 2014. It shall be the duty of the county attorney to file all petitions, and to attend to all proceedings instituted by said board, and to prosecute the same to a final issue; and in his absence it shall be the duty of the prosecuting attorney of the city court to do so.

ORGANIZATION

of the

GENERAL COUNCIL

The members of the Board of Aldermen and the Board of Councilmen are elected the first Tuesday after the first Monday in November, for a term of two years, and meet at their chambers for organization on the first Tuesday succeeding the election. At the organization the former clerk of each board calls the members to order and presides until a permanent president for the year shall have been elected.

The clerk first proceeds to call the roll of members, and finding a quorum present, a judge or justice of the peace, or his honor, the Mayor, being present, the following oath, as prescribed by the State Constitution, is administered to the newly elected members:

"I,, do solemnly swear (or affirm, as the case may be) that I will support the Constitution of the United States and the Constitution of this Commonwealth, the charter and ordinances of the city of Louisville, and be faithful and true to the Commonwealth of Kentucky so long as I continue a citizen thereof, and that I will faithfully execute to the best of my ability the office of councilman [or alderman] according to law and ordinance, and I do further solemnly swear (or affirm) that since the adoption of the present Constitution, I being a citizen of this State, have not fought a duel with deadly weapons within this State, nor out of it; nor have I sent or accepted a challenge to fight a duel with deadly weapons, nor have I acted as second in carrying a challenge, nor aided or assisted any person thus offending; and I do further solemnly swear that I possess the qualifications prescribed by an act of the General Assembly, entitled 'An act for the government of cities of the first class' (approved July 1, 1893), and that I am not subject to any disabilities which render me ineligible to hold the office for which I have been elected."

The next business in order, which is then announced by the clerk, is the election of a president for the ensuing year, nominations being declared in order. When the nominations shall have closed, the vote is taken viva voce, calling the roll of members. The clerk announces the result, and appoints a committee of two to conduct the president-elect to his chair.

The clerk then retiring, the president then announces the next business in order, the election of a clerk for the ensuing two years. A temporary clerk being appointed, the voting for a clerk is proceeded with in the same manner as for president, and the result being announced, the newly elected clerk assumes the duties of his office, and takes the same oath of office imposed upon the members of the General Council.

In like manner two pages are elected. The president is authorized to request the chief of police to detail a policeman to act as sergeant-at-arms, whose duty it shall be to preserve order in the lobby and enforce the orders of the president.

The members of the Board of Councilmen occupy seats in the order of the wards represented by them.

It is the custom to adopt the rules of the former council for the government of the current councils, until the rules shall have been revised and a new code adopted.

A committee of two is next appointed to notify the other board that this board is organized, and a joint committee of two from each board is appointed to convey like information to his honor, the Mayor.

It is the custom for the president to appoint the standing committees at the first meeting after the organization.

RULES OF THE BOARD OF ALDERMEN.

1. The president, with three members of the Board of Aldermen, shall be a sufficient number to adjourn, five to call a council and send for absent members, and make an order for their censure; and a majority of said board to proceed to business.

2. The president shall take the chair at every meeting at the hour to which the council had adjourned at the preceding meeting. He shall immediately call the members to order, and, on the appearance of a quorum, he shall cause the journal of the preceding meeting to be read, and, when approved, shall at once be signed by the president, in the presence of the Board of Aldermen, before proceeding with any other business.

3. He shall preserve order and decorum, and may speak to points of order in preference to other members without rising from his chair for that purpose. He shall decide questions of order, subject to an appeal to the Board of Aldermen, on the request of one member.

4. The business of the board shall be—

First—Reading of the minutes of the preceding meeting.

Second—Communications from the Mayor.

Third—New business, to be called by the roll, in regular order, until all the members are called.

Fourth—Reports of Boards of Public Works and Public Safety and city officers.

Fifth—Reports of standing committees.

Sixth—Reports from special committees.

Seventh—Unfinished business.

5. If the order of business is not gone through at any meeting, it shall be the duty of the president to commence where he left off at the previous meeting.

6. Questions shall be distinctly put in this form, viz.: "All you who are of the opinion that (as the question may be) say *aye*; you of the contrary say *no*."

7. If the president doubt, or if a division be called for, the aldermen shall divide. Those in the affirmative of the ques-

tion shall first rise from their seats, and afterward those in the negative. The president shall thereupon decide, subject to an appeal to the aldermen.

8. The president shall vote upon all questions, and when the yeas and nays are called, the president shall be first called, and, if the aldermen be equally divided, the question shall be lost.

9. The president shall have the right to name any member to perform the duties of the chair, but such substitution shall not extend beyond an adjournment. He may participate in debate when out of the chair.

10. The aldermen, in the absence of the president, may appoint some one of their members president *pro tempore* during said session.

11. The president shall appoint the following standing committees, viz.:

Finance, revision, courts of justice, contracts, streets (Eastern district), streets (Western district), railroads, assessments, sewers (Eastern district), sewers (Western district), bonds, wharf, Police Department, Fire Department, court-house and city buildings, printing, gas and water, health, grievances, cemeteries, public charities, insurance, parks, street improvements, rules, charter amendments, and one member of joint committee on city buyer's department.

No committee shall sit during the session of the council, except the committee on revision, without leave of the board.

12. The committees on revision, bonds, and contracts shall have the privilege to report at any time.

13. No pay-roll or voucher will be entertained by the Board of Aldermen unless registered by the Comptroller on or before the day of the meeting of the General Council.

Debate.

14. When a member is about to speak in debate, or deliver any matter to the Board of Aldermen, he shall rise and respectfully address himself to Mr. President.

15. If any member, in speaking, or otherwise, transgress the rules of the Board of Aldermen, the president shall, or any member may, call to order such member, and any member so called to order, shall immediately sit down, unless permitted to explain; and the Board of Aldermen, if appealed to, shall decide on the case without debate. If the decision shall be in favor of the member called to order, he shall be at liberty to proceed; if against him, and the case requires it, he shall be liable to the censure of the Board of Aldermen.

16. When two or more members rise at the same time to speak, the president shall name the first to speak.

17. No member shall speak more than twice on the same question without leave of the Board of Aldermen, nor more than once until every member of the Board of Aldermen choosing to speak shall have spoken; and no member shall speak longer than five minutes without leave of the Board of Aldermen.

18. While the president is putting a question or addressing the Board of Aldermen, none shall walk across or out of board; neither in such case, when a member is speaking, shall any entertain private discourse, nor while a member is speaking shall any pass between him and the president.

19. Every member who shall be in the chamber when a question is put shall vote upon one side or the other, unless the Board of Aldermen, for special cause, shall excuse him.

20. When a motion is made and seconded it shall be stated by the president, or, being in writing, shall be handed to the chair, and read aloud by the clerk. Every motion shall be reduced to writing, if the president or any member desires it.

21. After a motion is stated by the president, or read by the clerk, it shall be considered in possession of the Board of Aldermen, but may be withdrawn at any time, before a decision or amendments, by the mover thereof.

22. When a question is under debate, no motion shall be received unless to adjourn, for the previous question, to lay on the table, to postpone it, to commit it, to amend it, and each motion shall be decided in the order named.

23. A motion to adjourn shall always be in order, unless the Board of Aldermen is engaged in voting, and shall be decided without debate.

24. The previous question being moved and seconded, the question from the chair shall be: "Shall the main question be now put?" and if the nays prevail the main question shall not then be put. But a refusal to sustain the previous question shall not bar the Board of Aldermen from proceeding forthwith to the consideration of the subject. The effect of the previous question shall be to put an end to all debate, bringing the Board of Aldermen to direct vote upon the amendments reported by a committee, if any, then upon pending amendments, and then upon the main question.

25. Any member may call for the division of a question when the sense will admit of it.

26. A motion for amendment, until it is decided, shall preclude all other amendments of the main question.

27. Motions and reports may be committed at the pleasure of the Board of Aldermen.

28. No motion or proposition on a subject different from that under consideration shall be admitted under color of an amendment.

29. In all cases of election there shall be a previous nomination by some member of the Board of Aldermen, or other officers authorized to do so.

30. If a question pending be lost by adjournment of the Board of Aldermen, and revived on the succeeding meeting, no member who has spoken twice at the previous meeting on said question shall speak on said question again without leave.

31. Petitions, memorials, and other papers addressed to the Board of Aldermen may be presented by any member in his place, who shall briefly state to the board the contents thereof, which may be received, read, and referred on the same day to the appropriate committee.

32. On a call of the board of aldermen for the yeas and nays on any question pending, the names of the members shall be called alphabetically, which call may be made at any time when a division or count may be had.

33. On the call of the board of aldermen the door shall not be shut against any member until his name shall be twice called, and then the absentees shall be noted down by the clerk.

34. A motion to proceed or dispense with the orders of the day, dispense with any rule of the board, to take up an ordinance or resolution out of its regular order, shall require a majority of two-thirds of the members elect; to commit or recommit shall be propounded without debate. A motion to reconsider a vote shall not be made after the next meeting of the board of aldermen at which such vote was adopted. All propositions, petitions, resolutions, ordinances or other matter connected with the city, shall be referred to the appropriate standing committees for consideration upon the request of any member, and reasonable time shall be given such member to be heard before such committee.

35. The chairman of a committee to whom is referred any subject for investigation shall submit the report of the committee at the next regular meeting of the board of aldermen, or within a reasonable time thereafter; and all reports, whether in favor of or against any matter referred, shall be in writing, if required by the president; and in all cases where the report is against the question referred, the reasons for said

report shall be given, but this rule shall not interfere with the right to move a reconsideration.

35a. That the rules be so amended as to provide that all committees shall make their reports to the Board of Aldermen, whether upon ordinances, pay rolls or resolutions, in writing. In the event the report is unfavorable the reasons shall be given in full, but in case the report is favorable it shall be sufficient that the word "approved" be endorsed upon the ordinance, pay roll or resolution, but in any event the members of the committee making the report shall sign the same. (*Amended by resolution of Board of Aldermen.*)

36. All propositions, ordinances, or resolutions which have been once rejected by the board of aldermen shall not be again introduced unless by special leave granted by a vote of a majority of the members elect.

Ordinances.

37. Every ordinance shall be read in full in each board.

38. Upon reading of the ordinance the president shall state that it is ready for amendment or recommitment, and if there is no motion to amend or recommit, the question shall be on its passage.

39. Upon the passage of any ordinance appropriating moneys, or the paving or grading of any street, alley, sidewalk, or the digging or walling of any well or cistern in said city, the yeas and nays shall be taken and recorded in full.

Amending Rules.

40. No standing rule or order of the board of aldermen shall be rescinded or changed, or new rules introduced, unless notice of the motion thereof had been given at the preceding meeting.

41. No standing rule or order of the board of aldermen shall be dispensed with unless two-thirds of the members elect concur therein.

42. No ordinance or resolution for the expenditure of money will be entertained by this board after the appropriation for the purposes referred to in said ordinance or resolution has been exhausted.

43. No ordinance or resolution for the expenditure of money will be entertained unless the approximate cost is indorsed on same by the department to which it belongs, except by consent of two-thirds of the members elect.

44. No person, except members, city officers, or reporters for the city press, shall be admitted upon the floor of the chamber, unless permitted by a vote of the board of aldermen; nor shall there be any smoking within the chamber during the sitting of the board. It shall be the duty of the sergeant-at-arms to enforce this rule with such aid as may be necessary, to be detailed by the chief of police.

45. No member shall leave the chamber without special leave being granted.

Committee of the Whole.

46. The board of aldermen may at any time resolve itself into a committee of the whole on the state of the city.

47. In forming a committee of the whole the president shall leave the chair, and a chairman to preside in said committee shall be appointed by the president.

48. All amendments made to the original proposition in committee of the whole shall be incorporated with it, and so reported.

49. The rules of proceeding in the board of aldermen shall be observed in the committee of the whole so far as they are applicable.

50. A motion for the rising of the committee shall always be in order unless a member is speaking, and shall be decided without debate.

51. In the absence of a standing rule the board shall have reference to Cushing's Manual.

RULES OF THE BOARD OF COUNCILMEN.

1. The president, with three members of the Board of Councilmen, shall be a sufficient number to adjourn, five to call a council and send for absent members, and make an order for their censure; and a majority of said board to proceed to business.

2. The president shall take the chair at every meeting at the hour to which the council had adjourned at the preceding meeting. He shall immediately call the members to order, and, on the appearance of a quorum, he shall cause the journal of the preceding meeting to be read, unless the reading thereof be dispensed with by vote of two-thirds of the members elect, and when approved shall at once be signed by the president, in the presence of the board of councilmen, before proceeding with any other business.

3. He shall preserve order and decorum, may speak to points of order in preference to other members, without rising from his chair for that purpose. He shall decide questions of order, subject to an appeal to the board of councilmen on the request of one member.

4. The business of the council shall be—

First—Reading of minutes of preceding meeting.

Second—Communications from the Mayor and other city officers.

Third—Reports of standing committees for pay-rolls and vouchers.

Fourth—Papers from the Board of Aldermen.

Fifth—Unfinished business.

Sixth—Reports of standing committees.

Seventh—Reports from special committees.

Eighth—New business, to be called by wards, commencing at the Sixth and Seventh wards, alternately, in regular order, until all the wards are called.

5. If the order of business is not gone through with at any meeting, it shall be the duty of the president to commence where he left off at the previous meeting.

6. Questions shall be distinctly put in this form, viz.: "All you who are of the opinion that (as the question may be) say *aye*; you of the contrary say *no*."

7. If the president doubt, or if a division be called for, the councilmen shall divide. Those in the affirmative of the question shall first rise from their seats, and afterward those in the negative. The president shall thereupon decide subject to an appeal to the board.

8. The president shall vote upon all questions, and when the yeas and nays are called, the president shall be first called, and, if the councilmen be equally divided, the question shall be lost.

9. The president shall have the right to name any member to perform the duties of the chair, but such substitution shall not extend beyond an adjournment. He may participate in debate when out of the chair.

10. The councilmen, in the absence of the president, may appoint some one of their members president *pro tempore* during said session.

11. The president shall appoint the following standing committees, viz.:

Finance, revision, courts of justice, contracts, streets (Eastern district), streets (Western district), railroads, assessments, sewers (Eastern district), sewers (Western district), bonds, wharf, Police Department, Fire Department, city buildings, printing, gas and water, inspector of buildings, health, grievances, cemeteries, public charities insurance, parks, engineers, street improvement, rules, charter amendments, and two members of joint committee on city buyer's department.

No committee shall sit during the session of the council, except the committee on revision, without leave of the council.

12. The committee on revision, bonds, and contracts shall have the privilege to report at any time.

13. No pay-roll or voucher will be entertained by the Board of Councilmen if not registered on or before the second day preceding the meeting of the General Council.

Debate.

14. When a member is about to speak in debate, or deliver any matter to the Board of Councilmen, he shall rise and respectfully address himself to Mr. President.

15. If any member, in speaking or otherwise, transgress the rules of the Board of Councilmen, the president shall, or

any member may, call to order such member and any member so called to order shall immediately sit down unless permitted to explain; and the Board of Councilmen, if appealed to, shall decide on the case without debate. If the decision shall be in favor of the member called to order, he shall be at liberty to proceed; if against him, and the case requires it, he shall be liable to the censure of the Board of Councilmen.

16. When two or more members rise at the same time to speak, the president shall name the first to speak.

17. No member shall speak more than twice on the same question without leave of the Board of Councilmen, nor more than once until every member in the Board of Councilmen choosing to speak shall have spoken; and no member shall speak longer than five minutes without leave of the Board of Councilmen.

18. While the president is putting the question or addressing the Board of Councilmen, none shall walk across or out of the council; neither in such case, when a member is speaking, shall any entertain private discourse, nor while a member is speaking shall any pass between him and the president.

19. Every member who shall be in the council chamber when a question is put shall vote upon one side or the other, unless the Board of Councilmen for special cause, shall excuse him.

20. When a motion is made and seconded, it shall be stated by the president, or, being in writing, shall be handed to the chair and read aloud by the clerk. Every motion shall be reduced to writing if the president or any member desires it.

21. After a motion is stated by the president or read by the clerk, it shall be considered in possession of the Board of Councilmen, but may be withdrawn at any time, before a decision, or amendments, by the mover thereof.

22. When a question is under debate, no motion shall be received unless to adjourn, for the previous question, to lay on the table, to postpone it, to commit it, to amend it, and each motion shall be decided in the order named.

23. A motion to adjourn shall always be in order, unless the Board of Councilmen is engaged in voting, and shall be decided without debate.

24. No explanation of any vote shall be permitted pending the call of the yeas and nays on an undebatable question.

25. The previous question being moved and seconded, the question from the chair shall be: "Shall the main question be now put?" and if the nays prevail, the main question shall not then be put. But a refusal to sustain the previous ques-

tion shall not bar the Board of Councilmen from proceeding forthwith to the consideration of the subject. The effect of the previous question shall be to put an end to all debate, bringing the Board of Councilmen to a direct vote upon the amendments reported by a committee, if any, then upon pending amendments, and then upon the main question.

26. Any member may call for the division of a question when the sense will admit of it.

27. A motion for amendment, until it is decided, shall preclude all other amendments and the main question.

28. Motions and reports may be committed at the pleasure of the Board of Councilmen.

29. No motion or proposition on a subject different from that under consideration shall be admitted under color of an amendment.

30. In all cases of elections there shall be a previous nomination by some member of the Board of Councilmen or other officers authorized to do so.

31. If a question pending be lost by adjournment of the Board of Councilmen and revived on the succeeding meeting, no member who has spoken twice at the previous meeting on said question shall speak on said question again without leave.

32. Petitions, memorials, and other papers addressed to the Board of Councilmen may be presented by any member in his place, who shall briefly state to the council the contents thereof, which may be received, read and referred on the same day to the appropriate committee.

33. On a call of the Board of Councilmen for the yeas and nays on any question pending, the names of the members shall be called alphabetically, which call may be made at any time when a division or count may be had.

34. On the call of the Board of Councilmen the door shall not be shut against any member until his name shall be twice called, and then the absentee shall be noted down by the clerk.

35. No member while in debate shall name any other member present.

36. All propositions, petitions, resolutions, ordinances, or other matters connected with the city, shall be referred to the appropriate standing committees for consideration, upon the request of any member, and reasonable time shall be given such member to be heard before such committee.

37. A motion to proceed or dispense with the orders of the day, dispense with any rule of the council, to take up an ordinance or resolution of its regular order, shall require a majority of two-thirds of the members elect; to commit or re-commit, shall be propounded without debate. A motion to reconsider a vote shall not be made after the next meeting of the Board of Councilmen at which such vote was adopted.

38. The chairman of a committee to whom is referred any subject for investigation shall submit the report of the committee at the next regular meeting of the Board of Councilmen, or within a reasonable time thereafter; and all reports, whether in favor of or against any matter referred, shall be in writing, if required by the president; and in all cases where the report is against the question referred, the reasons for said report shall be given, but this rule shall not interfere with the right to move a reconsideration.

39. All propositions, ordinances, or resolutions, which have once been rejected by the Board of Councilmen, shall not be again introduced, unless by special leave granted by a vote of a majority of the members elect.

Ordinances.

40. Every ordinance shall be read in full in each board.

41. Upon the reading of the ordinance, the president shall state that it is ready for amendment or recommitment, and, if there is no motion to amend or recommit, the question shall be on its passage.

42. Upon the passage of any ordinance appropriating moneys, or for the paving or grading of any street, alley, sidewalk, or the digging or walling of any cistern in said city, the yeas and nays shall be taken and recorded in full.

43. All ordinances, resolutions, claims, and other papers originating in the Board of Aldermen, and reported to the Board of Councilmen as passed, shall be handed to the clerk and immediately read by him, when he shall refer them to appropriate committees unless otherwise ordered by the Board of Councilmen, keeping a record to what committee they were referred.

44. All ordinances, resolutions, claims, and other papers originating in the Board of Councilmen, and passed or referred to a joint committee, shall be transmitted to the clerk of the Board of Aldermen; but before being transmitted to the said clerk a record of same shall be made.

Amending Rules.

45. No standing rule or order of the Board of Councilmen shall be rescinded or changed, or new rules introduced, unless notice of the motion thereof had been given at the preceding meeting.

46. No standing rule or order of the Board of Councilmen shall be dispensed with unless two-thirds of the members elect concur therein.

47. No ordinance or resolution for the expenditure of money will be entertained by this board after the appropriation for the purposes referred to in said ordinance or resolution has been exhausted.

48. No ordinance or resolution for the expenditure of money shall be entertained unless the approximate cost is indorsed on same by the department to which it belongs, except by consent of two-thirds of the members elect.

49. No persons, except members, city officers, reporters for the city press, shall be admitted upon the floor of the council chamber, unless permitted by a vote of the Board of Councilmen; nor shall there be any smoking within the chamber during the sitting of the board. It shall be the duty of the sergeant-at-arms to enforce this rule with such aid as may be necessary, to be detailed by the chief of police.

50. No member shall leave the council chamber without special leave being granted.

51. That the Board of Councilmen shall adjourn at 10:30 o'clock p. m., motions and resolutions to the contrary notwithstanding.

52. All papers shall be and remain in the custody and possession of the clerk of the board, and when delivered by him to the chairman or any member of a committee entitled to them, the clerk shall make a memorandum of same and may demand a receipt for same.

Committee of the Whole.

53. The Board of Councilmen may at any time resolve itself into a committee of the whole on the state of the city.

54. In forming a committee of the whole the president shall leave the chair, and a chairman to preside in said committee shall be appointed by the president.

55. All amendments made to the original proposition in committee of the whole shall be incorporated with it, and so reported.

56. The rules of proceeding in the Board of Councilmen shall be observed in committee of the whole so far as they are applicable.

57. A motion for the rising of the committee shall always be in order, unless a member is speaking, and shall be decided without debate.

58. In the absence of a standing rule the board shall have reference to "Cushing's Manual."

JOINT RULES OF THE GENERAL COUNCIL.

1. In all joint meetings of the two boards the president of the Board of Aldermen shall preside, and the proceedings conducted as near as may be according to the rules of the Board of Aldermen.

2. In every case when an amendment of any ordinance or resolution is agreed to in one board and not assented to in the other board, if either board shall request a conference, and the other board appoint a committee to confer, said committee shall, at a convenient time to be agreed upon by their chairmen, meet and consult together, and report their actions to their respective boards.

3. When a message shall be sent from either board, it shall be announced at the door by the messenger, and shall be respectfully communicated to the president by the person by whom it was sent.

4. While ordinances, resolutions, etc., are on their passage between the two boards, they shall be under the signature of the clerks of their respective boards.

5. After an ordinance or resolution has passed both boards, it shall be indorsed by the clerk of each board, over whose signature shall also be stated the respective dates when the same was acted on by the respective boards.

6. When the ordinances and resolutions are so indorsed they shall be presented for the signatures of the president of each board of the council, and they then shall be delivered to the city attorney, by either clerk, whose duty it shall be to examine the same, and approve or disapprove the same by his endorsement thereon, after which, if found duly passed, and in conformity with the law, they shall be presented to the Mayor for his approval when, by charter, he is required to approve.

7. When the Board of Aldermen and the Board of Councilmen shall judge it proper to make a joint address to the Mayor, it shall be presented to him in his office by the president of the Board of Aldermen, in the presence of the president of the Board of Councilmen.

8. When an ordinance or resolution which shall have passed in one board is rejected in the other, notice thereof shall be given by the clerk to the board in which the same passed at the next meeting.

9. When there is a communication from the Mayor, or a message from either board, it shall be received without delay. If the council be in committee, the president shall resume the chair, and, if any member be speaking he shall take his seat until the communication or message be received; and when any papers may come officially before either board, they shall, as soon as acted on, lay the same before the other board.

Through the courtesy of Hon. Mark Ryan, State Senator, the following acts of the Legislature have been furnished.

These acts are copied from the printed bills furnished to the members of the State Senate and there may be some minor inaccuracies.

METHOD FOR COLLECTION OF TAXES.

AN ACT to amend that part of an Act entitled "An Act for the Government of Cities of the First Class, approved July First, Eighteen Hundred and Ninety-three," which relates to Revenue and Taxation.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That Sections 212, 213, 214, 215, 216, 217, 218, and 219, of an Act entitled "An Act for the Government of Cities of the First Class," approved July First, Eighteen Hundred and Ninety-three, being Sections 2998, 2999, 3000, 3001, 3002, 3003, 3004, and 3005, of the "Kentucky Statutes" of 1903, be, and same are hereby repealed.

Sec. 2. That an Act entitled "An Act to Amend Section Two Hundred and Nineteen of an Act entitled 'An Act for the Government of Cities of the First Class,' approved July First, One Thousand Eight Hundred and Ninety-three," approved May Twenty-Sixth, One Thousand Eight Hundred and Ninety-seven, being Section 3005 of the "Kentucky Statutes" of 1903, be, and the same is hereby repealed.

Sec. 3. That Section 4 of an Act entitled "An Act to Amend an Act Entitled 'An Act for the Government of Cities of the First Class,' approved July First, Eighteen Hundred and Ninety-three," approved March Twenty-first, Nineteen Hundred and six, being Section 2998 of the "Kentucky Statutes" of 1903, be, and the same is hereby repealed.

Sec. 4. That in lieu of the provisions of law repealed by Sections One, Two and Three of this Act, the following provisions be enacted; and the same shall be inserted in the "Act for the Government of Cities of the First Class," approved July First, Eighteen Hundred and Ninety-three, and shall be

part of said Act, and be Sections 2998, 2999, 3000, 3001, 3002, 3003, 3004, and 3005, of "Kentucky Statutes."

"Sec. 2998. Within a reasonable time after the tax bills for the year have been listed with the Tax Receiver, he shall, by himself, deputy, or employes, mail to every person against whom any tax bill has been listed, to the Guardian and Committees of infants and lunatics, and to the Agents of absent property owners, whose address is unknown to him, a postpaid notice, directed to the best of his knowledge, giving a brief description of the property taxed, stating the number and amount of the bill, or bills, listed against the tax payer addressed, the date of their maturity, and the penalties imposed for non-payment; but the failure of the Tax Receiver to send such notice, or of the tax payer to receive it, shall not invalidate the tax, nor the interest, or penalties provided by this Act, nor any subsequent proceedings for the collection of either. All of the tax bills uncollected, in whole or in part, on the First day of May, succeeding the day on which they were listed with the Tax Receiver for collection, shall be due, and thereafter shall bear interest at the rate of one-half ($\frac{1}{2}$) of one per cent (1 per cent) for every month, or fraction of a month, from said First day of May, until paid, or until the property of the delinquent has been sold for the tax, as hereinafter provided. Upon the First day of July, succeeding the day on which the tax bills were listed with the Tax Receiver for collection, there shall be added to all tax bills unpaid, a penalty of Ten per cent (10 per cent) on the face of the bill, which shall be in addition to the interest above provided for.

Tax bills assessed against an Administrator, Executor, or Trustee, shall be a charge against the whole succession of trust estates, and may be enforced accordingly, aside, in either case, from the other remedies hereinafter given."

"Sec. 2999. Every Guardian, Committee, Trustee, or other fiduciary appointed under the laws of Kentucky, or by a deed or will recorded in any County Clerk's office therein, who has the management of any lands or improvements in the City, and every Agent of a non-resident of Kentucky, owning property in the City, who collects the rent thereof, or the husbands of women owning such lands or improvements, who collect the rent or income thereof in money, or enjoy the profits of such lands or improvements by occupying the same, shall before the First of July of each year, pay out of the net income of such lands and improvements, the City tax assessed upon the same in the preceding year, with accrued interest, before applying such income to the wants of, or paying it over

to, his beneficiaries or employer, any instructions of the latter notwithstanding; and, in default thereof, he shall be liable for such tax, to the amount of the income which he might have so applied, which liability may be enforced in equitable proceedings in any Court of competent jurisdiction in which it shall not be an answer that the City has a security in its lien upon the lands and improvements, and right to sell same for taxes."

"Sec. 3000. The Tax Receiver shall, as early in the month of July as practicable, make a list of all the tax bills remaining wholly or in part unpaid on the First of July. He shall at once file the list with the City Comptroller. For reporting falsely, he shall answer to the person aggrieved for all costs, penalties, and damages caused thereby; but neither a false report, or a failure to report, shall invalidate subsequent proceedings under this Act."

"Sec. 3001. Immediately upon the filing of these lists, the Tax Receiver or one of his Deputies, shall distrain the goods and chattels owned by, or in the rightful possession of the person from whom the tax is due, notwithstanding the existence of any lien upon same, except that for State taxes, and may proceed to sell the title of such person in so much thereof as will pay the tax due, with penalties, interest, and costs. If there be no personal property reasonably available, out of which said bills can be collected by such distraint, the Tax Receiver shall sell any real estate belonging to such delinquent tax payer, or enough thereof to pay the taxes due, with interest, penalties, and costs, that except where there are bona fide mortgages or vendor's liens of record on real estate, only liens now given by law shall be enforced by such sale. No warrant shall be required for such distraint or sale of either personal or real property, but the tax bill, unpaid in whole or in part, shall give sufficient power for such distraint and sales, and all subsequent proceedings thereunder. He shall thus in each case make out of the property of the person assessed, the amount of the tax bill, or the unpaid part thereof, together with interest at the rate of One-half ($\frac{1}{2}$) of One per cent (1 per cent) per month, or fraction of a month, from the First of May last past, and Ten per cent (10 per cent) on the face of the bill. Said tax bills shall have the force and effect of an execution issued upon a judgment against the delinquent, in addition to the tax lien now provided by law. The City shall have a lien on personal property as provided in case of real property, for its taxes. A sale of personalty under such tax bids shall be for cash, and the levy, advertisement, sale and delivery to purchaser shall be made in like manner as of goods

levied upon under execution on replevin bond. When such tax bills are against a married woman, they may be also levied upon such goods of her husband, not exempt from levy under a like tax bill against himself, and found on any of the lands or improvements for which the married woman is assessed. A sale of real property under such bills shall be for cash, and in such case the Tax Receiver shall sell at public auction, so much of the property of the delinquent as shall pay the taxes due, with penalties, interest and costs, in the same manner that property is sold under execution, except that the sale shall be had at the door of the City Hall, of the City in which the land lies, and need not be appraised or levied on. Such sale shall be advertised by posting for Fifteen (15) days before the sale, a written or printed notice at the City Hall door, and by publication once a week for four (4) weeks prior to the day of sale, in the newspaper published in the English language, selected by the General Council, to print its proceedings and ordinances; and the Tax Receiver shall, not less than Fifteen (15) days before the sale, mail to the delinquent, a postal card addressed to his place of residence, or place of business, if such can be ascertained, notifying him of the time and place of the sale; and in order to cover the cost of such advertisement and notification, the Tax Receiver shall have Two Dollars (\$2.00) for each person whose property is advertised, to be paid by the delinquent, but in no event to be paid by the City, and money so received shall be paid by the Tax Receiver into the City Treasurer; but the failure of the Tax Receiver to send, or of the tax payer to receive the mail notice of sale herein required, shall not invalidate the sale of any subsequent proceedings thereunder."

"Sec. 3002. If at any sale for taxes, of real property, no one will bid for or purchase the property offered for sale, at the amount of the tax, the charges due, and the cost of sale, including the cost of advertising, it shall be the duty of the Tax Receiver to purchase same for the City, for the amount of the tax due, with interest, and penalties, and costs of sale thereon. The owner of the real estate so sold, his heirs, representatives, assigns, shall have the same right to redeem such real estate from the purchaser thereof at any time within two years from the day of sale, as is provided by law in the sale of real estate under execution, by paying to the Tax Receiver, the amount of the purchase price at said sale, with interest thereon at the rate of One per cent (1 per cent) per month, or fraction thereof, from the day of sale; and in case the land is not redeemed before the First day of April succeeding the sale, by paying a further penalty of Five per cent (5 per cent)

upon the purchase price. During the Two years allowed for redemption, and until redemption, the land so sold shall be assessed for subsequent tax levies, in the name of the delinquent owner. During that time, there shall be no sale on the land for the collection of such later tax bills, but the delinquent shall be required to pay said bills, with interest and penalties as above provided, upon the redemption of the land, in addition to the payment of the purchase price, with interest and penalties as hereinabove required. All moneys paid in redemption of land sold for City Taxes, shall be paid to the Tax Receiver of the City, who shall account for such moneys in the same manner, and to the same officer as is required of him in the regular collection of taxes; except that, when the purchaser at a tax sale is not the City, the Tax Receiver shall pay over to the purchaser upon proper receipt, the amount of the purchase price, with interest and penalties thereon; but all moneys paid by the delinquent at the time of redemption in discharge of the bills against that land which was assessed subsequently to the tax for which the sale was had, shall be accounted for by the Tax Receiver as are other tax collections: and it shall be the duty of the Tax Receiver to promptly notify the purchaser at a tax sale of the redemption of the land purchased by him, by postpaid letter or card.

Persons under disability, whose lands have been sold for taxes, as herein provided, shall have the same right for the redemption of such lands, as are given them by law for the redemption of land sold for the payment of taxes due to the State of Kentucky."

"Sec. 3003. The Tax Receiver shall within Sixty (60) days after same are made, report the result of all tax sales to the Comptroller, giving the number and amount of the tax bill or bills, for which the sale was had, the date of sale, the amount bid, and the name of the purchaser; and he shall keep such a record in his own office in an appropriate book, in which an alphabetical index shall be kept of the names of the delinquents whose properties have been sold, and said book shall contain a column or space opposite each record of sale, in which shall be entered, a record of the redemption of the land, or of its conveyance to the purchaser in case it be not redeemed.

Upon the purchase of any realty, the Tax Receiver shall deliver to the purchaser, other than the City, upon payment of the price, a certificate in substantially the following form:

'This is to certify that on this day....., whose
Post Office address is No.Street, City of.....,
State of, purchased at a tax sale of
the City of, the following described
real estate in said City:

.....
.....
.....

Said purchaser has paid therefor the sum of \$.....,
which represents the tax, penalties, interest and costs, on the
following tax bills to the date of sale:

Year	No. of Bill	Person Assessed	Face of Bill
.....
.....

Witness my hand this day of, 19....

.....

Tax Receiver of City of'

The Tax Receiver shall keep a duplicate of such certificates and a record of all proceedings taken by him at such sales. Should any person bid at such sale the amount to be raised, and then fail to pay same, the Tax Receiver shall immediately re-sell said property. No levy or attempted levy upon personalty shall be necessary to validate any sale of realty, whether such realty be sold for taxes on realty, or on personalty, or both."

"Sec. 3004. If the land be not redeemed within Two years from the date of sale, a fee simple title shall vest absolutely in the purchaser, subject only to State taxes. Thereupon, the Tax Receiver then in office, shall convey the property by deed to the purchaser, who shall then be entitled to possession of

the property, and have the right to recover same by suit or motion, as may be found most appropriate; Provided: That it shall be the duty of a purchaser, other than the City, to pay all later tax-bills, owing to the City, with interest, as provided in Section 2998, which were assessed against that property after the assessment of the tax for which it was sold, and the Tax Receiver shall not convey the property to such a purchaser until all such tax bills have been paid. Such deed shall be prima facie evidence of the regularity of sale, and of all prior proceedings, and title in the person to whom the deed has been executed.

The City Comptroller may advertise and sell at public auction any lands which were purchased by the City at tax sale, and to which the City has received a deed, and of which it has possession, and may convey said land by deed to the purchaser, provided that he may be directed as to the time and manner of sale by ordinance of General Council. No real property thus acquired by the City, except such as may be proper and necessary for public purposes, shall be held by the City longer than Five (5) years after being vested with title, and unless the same is sold and conveyed by the City within that period of time, the title thereto shall escheat to the Commonwealth of Kentucky."

"Sec. 3005. In addition to the powers given to cities of the First Class by the foregoing provisions of this Act, for the collection of taxes by sale of the delinquent's property under a tax bill, such cities shall have the power to enforce collection of any tax bill due them by all remedies given for the recovery of debt in any Court of the Commonwealth otherwise competent for that purpose.

This Act shall in no wise invalidate or suspend any suit or action now pending for the enforcement of any tax now due, but said suits and actions may be prosecuted as though this Act had not been passed. In addition, all the remedies provided in this Act, shall apply to any unpaid tax bills, whether assessed for the year 1910, or any previous year.

All tax bills, for whatever year levied which shall be owing to a City of the First Class, on June Thirtieth, Nineteen Hundred and Ten, and which are then due and unpaid, in whole or in part, whether in suit or not, shall on and after that date, be subject to the provisions of this Act, both as to interest and penalties (including the penalty of Ten per cent (10 per cent) to be added on July First) as to collection by sale under tax bill or by suit. For the collection of all tax bills not in suit, which are due and unpaid, the Tax Receiver shall in

July, Nineteen Hundred and Ten, proceed by sale as herein-after provided."

Sec. 5. That all other laws, and parts of laws, not mentioned in Section One, Two, and Three of this Act, and in conflict with the provisions thereof, are hereby repealed.

WHEREAS, Cities of the First Class are now suffering great inconvenience and loss from current and past delinquencies in tax payments, an emergency is hereby declared to exist, and this Act shall become a law when approved by the Governor. March, 1910.

SCHOOL BOARD.

AN ACT to amend the school laws and to create Boards of Education and to define their duties in cities of the first class.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Every city in this State of the first class shall be and constitute a single school district, and the supervision and government of common schools, kindergartens, high schools, manual training schools and normal schools and all such school property therein shall be vested in a board of five members to be known as the "Board of Education of , Kentucky," (in which title the name of such city shall be inserted). Such Board of Education shall be a body corporate and shall, be and in said name, sue and be sued, purchase, receive, hold and sell property, do all things necessary to accomplish the purpose for which such school district is organized, and succeed to all the property, rights and privileges granted to and belonging to any previous School Board of such city: Provided, that all pending suits in which any such previous School Board is a party, may be prosecuted to an end in the name of such party.

Sec. 2. Every such Board of Education shall have exclusive control of the common schools, including kindergartens, high schools, manual training schools and normal schools as hereinafter provided, and of common school property in such city; shall exercise generally all powers in the administration of the common school system therein, appoint such officers,

agents and employes as it may deem necessary and proper and fix their compensation; and shall have power to fix the time of its meetings, to make, amend and repeal rules and by-laws for its meetings and proceedings, for the government, regulation and management of the common schools and school property in such city, for the transaction of its business, and for the examination, qualification and employment of teachers, which rules and by-laws shall be binding on such Board of Education and all parties dealing with it until formally repealed by an affirmative vote of four members of said Board. To provide for special and standing committees, and to certify to the General Council the amount of money necessary for the maintenance and improvement of the schools as hereinafter provided, and to purchase and hold all property, real and personal, necessary for the purposes of public education, to build and construct improvements for such purposes, and to hold or sell the same.

Sec. 3. It shall also have power, when unable to contract with the owner of any real estate necessary to the proper accomplishment of the purpose for which said Board is created, to institute condemnation proceedings in accordance with the law governing railroad corporations incorporated under the laws of this Commonwealth; and to have in such proceedings the same rights, powers, privileges and restrictions as are now granted to or conferred upon such railroad corporations. Such Board of Education shall have all the powers of other school districts under the laws of this State, except as herein provided.

Sec. 4. No person shall be eligible to the office of member of the Board of Education, who has not attained the age of thirty years and one who is not a housekeeper or is not the owner of real estate in said city, and who is not a citizen of and a bona fide resident of this Commonwealth and of the city for which he is elected, for three years next preceding the election; or who holds or discharges any office, deputyship or agency under the city, or any district or county, or under the State of Kentucky, or any department thereof, or under the United States or any foreign government, except that of notary public or militia officer of Kentucky. No person shall be eligible to this office who, at the time of his election, is directly or indirectly interested in any contract with the Board, or who holds any office of trust or agency of or draws a salary from any corporation which holds any contract with the Board, or whose father, son, brother, wife, daughter or sister is employed as teacher, or in any other capacity by such Board, or in any of the public schools, or who is, directly

or indirectly, interested in the sale to the Board of books, stationery or other property. If he shall, after election, become a candidate for any office or agency or for the nomination thereto, the holding and discharging of which would have rendered him ineligible before election, or if he shall remove out of the city for which he was chosen, or if he shall do or incur anything which would have rendered him ineligible for election, or if any of his relatives above specified be employed by the Board, his office shall, without further action, be vacant and it shall be filled as directed.

Sec. 5. No compensation shall be paid to the members of the Board, but they shall be exempt from jury duty and from service as election officers during their term of office.

Sec. 6. The members of said Board of Education shall be elected, except as specified in Section 7 of this Act, for the term of four years by the qualified voters of such city. They shall be elected from the city at large, and such election shall be held under the provisions of the general laws governing city elections, so far as they are not inconsistent with the provisions of this Act.

Sec. 7. All elections for members of the Board of Education shall be by secret ballot, and the ballot shall be on a separate sheet from all other ballots to be used in any election. It shall be the duty of the County Clerk of any county, in which a city of the first class is situated, to cause to be printed on said ballot the names of all candidates for membership of the Board of Education of such city, in whose behalf he may be petitioned so to do in writing by not less than four hundred electors of said city. The petitions must be filed in the office of the County Clerk not more than sixty days nor less than fifteen days before the day of election, and each petition must be signed by the requisite number of qualified persons, and shall show the place of residence of each person signing it, and no person shall sign more petitions than the number of officers to be filled. If the nomination is to fill a vacancy, the petition shall so state. Where the same person shall be nominated for a full term to fill a vacancy, he shall be accepted as a candidate for the full term.

Said ballot shall be in the form prescribed for ballots by the general election law of the State, except that no party or other emblem or distinguishing mark shall be placed upon said ballot, save the words, "School Ticket" at the head thereof; and that the names of all candidates for membership in the Board of Education shall be printed on said ballot in a single column. The names shall be printed on the first one hundred ballots as arranged in order by lot. On each of the succeed-

ing one hundred ballots the names shall be printed in the same order, save that the last name on the preceding one hundred ballots shall be shifted to the first place; and so on thereafter throughout, a like change being made in the printed order of names for every one hundred ballots. As many additional lines shall be left blank as there are members to be elected.

The provisions of the general election law of the State of Kentucky as to the duties of County Clerks and other public officers in the matter of printing and distributing ballots, of the issuing them to voters, of receiving and depositing them in the ballot boxes, and of counting and preserving them, and in all other particulars except as otherwise provided herein, shall be applicable in all respects to the election of members of the Board of Education: Provided, that it shall be the duty of the Sheriff of each county in which a city of the first class is situated, to provide for each precinct in said city a separate box for the reception of the ballots used in the election of members of the Board of Education. And Provided, further, that it shall be the duty of the judge of election of the opposite political party to the clerk of the election in each precinct to issue the school ballots in the same manner as other ballots are issued by the clerk of election by writing the name and residence of the voter upon the primary stub, and his registered number upon the secondary stub of the school ballot, and by observing, as to these ballots, such other regulations for the issue and deposit of ballots as may be prescribed for elections generally. It shall be unlawful for an election officer or other person within the election booth to tell or to indicate by word of mouth or otherwise to a voter what may be the political affiliations of any candidate, and a violation of this provision shall be a misdemeanor punishable by fine not exceeding two hundred dollars.

Sec. 8. Each voter may vote for as many of said candidates as there are members to be elected by making a cross in the square opposite the name of each candidate for whom he wishes to vote. The candidates, in number equal to the number of members to be chosen, who have the highest number of votes shall be declared elected. If at any election a member is to be chosen to fill a vacancy and to serve out an unexpired term, candidates may be chosen as above provided, but they shall, in all cases, be designated on the ballots as candidates to fill a vacancy, and the date of the unexpired term shall be stated.

Sec. 9. At the general election occurring in the month of November, 1910, five members of the Board of Education shall be elected as herein provided. After having qualified by tak-

ing the oath prescribed by law, they shall assume office on the first day of January, 1911, and shall meet at the offices of the present School Board of said city at twelve o'clock noon, and shall proceed to organize by electing one of their number President, and another Vice-President. Within one week after the organization of said Board it shall meet to divide its members by lot in such manner as they shall determine into two classes, as follows: The first class consisting of two members shall hold office through the 31st day of December, 1912, the second class consisting of three members shall hold office through the 31st day of December, 1914. Thereafter at each regular election held in November of each even-numbered year, members shall be elected as hereinbefore provided, to take the place of those whose terms will next expire, and the members so chosen shall hold office for four years, or until their successors are elected and qualified.

Sec. 10. At its first regular meeting after the first day of January, in each year following its original organization, said Board of Education shall reorganize by electing one of its members President, and another Vice-president.

Sec. 11. Any vacancy in said Board, from whatever cause occurring, shall be temporarily filled by the other members of the Board as soon as practicable after such vacancy occurs. The member so chosen shall hold office until his successor is elected and qualified, subject to the provisions of Section 152 of the Constitution of Kentucky.

Sec. 12. When members of the Board of Education shall have been elected, shall have qualified, and shall have organized as hereinbefore provided, thereupon it shall become the duty of the existing School Board and all officers, agents and employes thereof to surrender their places and to deliver to said Board of Education all the common school property, both real and personal, of every kind whatsoever, and the control and management of the common school affairs of such city: Provided, that until such Board of Education shall be organized, the administration of the common schools and the management of school property in such city shall remain in the control of the existing School Board in the same manner and with the same powers as existed prior to the passage of this Act.

All rules and by-laws made by any existing School Board at such time vested in such city with the management of the common schools shall continue in force, so far as consistent with this Act, until repealed or altered by a majority of such Board of Education.

Provided, further, that the first Board of Education may continue the employment and service of any existing officers, teachers, agents or other employes, in their several capacities in connection with the administration of school affairs, until such time as they effect the change of administrative system applicable to the common schools as contemplated in this Act; and said Board of Education may thereafter retain or remove any agents, teachers, janitors, engineers or other employes then rendering service in connection with the public schools of said city.

Sec. 13. It shall be the duty of said Board of Education, within sixty days after its organization, to adopt rules and by-laws for its meetings and proceedings, and for the government, regulation and management of the schools and school property, and for the examination, qualification and employment of teachers. And such rules or by-laws may be changed, altered, or set aside, only upon an affirmative vote of four (4) members of the Board.

Sec. 14. It shall be the duty of said Board of Education, as soon as practicable after its organization, to appoint a Superintendent of Schools, a Business Director, a Secretary and Treasurer, and such other officers, employes and agents as it may deem proper: Provided, that no such officer, employe or agent shall be a member of said Board.

Section 15. The Board of Education shall appoint a Superintendent of Schools who shall serve for a term of one year, but whenever a Superintendent who shall have served one year shall be re-elected, his re-election shall be for a term of four years. His compensation shall not be changed during the term for which he is elected. He may be removed at any time by a vote of three-fifths of the entire Board. The Board of Education may, on the nomination of the Superintendent of Schools, appoint as many Assistant Superintendents as it may deem necessary, whose compensation shall be fixed by the Board, and who may be removed by the Superintendent with the approval of the Board. The Superintendent of Schools shall qualify by taking the oath prescribed by law. He shall have general supervision, subject to the control of the Board, of the course of instruction, discipline and conduct of the schools, text-books and studies; and all appointments, promotions and transfers of teachers and truant officers, and introduction and changes of text-books and apparatus, shall be made only upon the recommendation of the Superintendent and the approval of the Board. The Superintendent shall have the power to suspend any teacher or truant officer for cause

deemed by him sufficient, and the Board of Education shall take such action upon the restoration or removal of such person as it may deem proper. All appointments and promotions of teachers shall be made upon the basis of merit, to be ascertained, as far as practicable, in cases of appointments, by examination, and in cases of promotion, by length and character of service. Examination for appointment shall be conducted by the Superintendent in accordance with the State law for the certification of teachers and under such other regulations as may be made by the Board. The Superintendent of Schools shall devote himself exclusively to the duties of his office, and shall have power to appoint clerks, whose number and salaries shall be fixed by the Board, and shall have power to remove the same; shall exercise a general supervision over the schools of the city, examine their condition and progress and shall keep himself informed as to the progress of education in other cities. He shall advise himself of the need of extension of the School System of the city, shall make reports from time to time as may be fixed by the rules or directed by the Board, and shall be responsible to the Board for the condition of the instruction and discipline of the schools.

The term "teachers," as used herein, shall include supervisors, supervising principals and principals.

Sec. 16. The Board shall appoint a Business Director, who shall serve for a term of one year, but whenever a Business Director who shall have served one year shall be re-elected, his re-election shall be for a term of four years, but he may be removed at any time by a vote of three-fifths of the entire Board. His compensation shall not be changed during the term for which he is elected. The Business Director shall qualify by taking the prescribed oath, and shall be the executive officer of the Board. He shall execute for the Board in the name of the Board its contracts and obligations; he shall see that all contracts made by or with said Board are fully and faithfully performed; he shall have the care and custody of all property of the Board of Education, real and personal, except moneys; he shall oversee the construction of buildings in process of erection and repairs of buildings owned or controlled by the Board; shall advertise for bids, and shall purchase all supplies and equipments authorized by the Board; and, generally, shall execute and carry into effect all matters and things authority for which shall have been granted by the Board, as herein provided.

Sec. 17. The Business Director shall devote his entire time to the duties of his office, and shall receive an annual salary

to be fixed by the Board at the beginning of each term, and payable monthly out of the School Fund of the City. Before entering upon the discharge of the duties of his office he shall give a bond for the faithful performance thereof in the sum of ten thousand dollars, with a surety company, to be approved by the Board, which bond shall be paid for by the Board and be deposited with the Secretary and Treasurer within twenty days from date of election, and preserved by him.

Sec. 18. Subject to the approval of the Board of Education as to the number and salaries, the Business Director shall have power to appoint, with the approval of the Board of Education, as many engineers, janitors and other employes and agents as may be necessary for the proper performance of the duties of his department, for whom he shall be responsible, and whom he shall have power to remove; but the Board of Education may provide for a competitive examination for the positions of janitors and engineers; and when such provision shall have been made, the Business Director shall be required by the Board to appoint janitors and engineers from the list obtained by such examination. He shall appoint such assistants and deputies as may be authorized by the Board, whose compensation shall be fixed by the Board; and one of said assistants shall be a trained and educated mechanical engineer, qualified to design the heating, ventilating and sanitary machinery and apparatus connected with the school buildings. Such assistants and deputies shall be subject to removal by the Business Director who shall be responsible for the proper performance of their duties. He shall perform such other duties as may be required of him by the Board.

Sec. 19. All contracts for the erection of school buildings and all contracts for repairs and alteration in school property, exceeding the amount of fifty dollars, shall be made by the Board after public letting to the lowest responsible bidder, but it may reject all bids. The necessary specifications and drawings shall be prepared for all such work, and bids therefor shall be solicited by such advertisement as the Board may provide. All other work of construction and repairs shall be made directly by the Business Director, as herein provided. For all work of construction and repairs authorized to be done directly by the Business Director he shall furnish the necessary specifications and drawings, except in cases of emergency, and where the cost shall not exceed the sum of two hundred dollars, and shall solicit bids for such work as may be provided for by the Board. No bids shall be entertained by the Business Director which are not made in accordance with the specifications furnished by him, and all contracts shall be let to the lowest re-

sponsible bidder complying with the terms of the letting; Provided, however, that the said Business Director shall have the right to reject any and all bids.

Sec. 20. The Board shall, at or prior to the beginning of each fiscal year, cause advertisements to be made under such regulations as it may provide for proposals for furnishing the supplies required in the schools and by the Board in the ensuing year; and every contract therefor shall be awarded to the lowest responsible bidder complying with the terms of the letting: Provided, however, that said Board shall have and reserve the right to reject all bids. If other supplies are required during the year, they shall be furnished under contracts awarded in like manner; but the Board may authorize the purchase of supplies not exceeding fifty dollars in amount without letting or contract. The Board shall make distribution of supplies through such agencies and in such manner as it deems proper.

Sec. 21. The Board shall appoint an officer, who shall be Secretary and Treasurer, and shall serve for a term of one year, but whenever a Secretary and Treasurer shall have served one year and be re-elected, his election shall be for a term of four years, but he may be removed at any time by a vote of three-fifths of the entire Board. He shall give bond in such sum as the Board may require, which shall not be less than \$50,000.00, with a Surety Company to be approved by the Board, such bond to be paid for by the Board and be deposited with the President of the Board within twenty days from date of election and preserved by him. The compensation of such officer shall be fixed by the Board of Education before his election, and shall not be changed during the term for which he is elected. He shall exercise, subject to the control of the Board, general supervision over the fiscal affairs of the public schools of the city, the collection and payment of funds to the school depositaries, and the disbursement of all revenues and moneys belonging to the Board. He shall record the proceedings of the Board in such manner as may be directed by the Board, and shall deposit daily in the designated depository of the Board all moneys collected or received by him for the Board. He shall furnish to the Board at the beginning of each month a statement of receipts and disbursements of the preceding month; and at the end of the fiscal year he shall make to the Board a full and comprehensive report of its financial affairs for the preceding year. He shall be the custodian of all securities, documents, title papers, books of record and other papers belonging to the Board, under such conditions as the Board may direct. It shall be his duty to

see that no liability is incurred or expenditure made without due authority of law, that appropriations are not overdrawn and that all expenditures are charged to the appropriations for which they are made. Subject to the approval of the Board, he shall have power to appoint assistants, for whom he shall be responsible and whom he may remove. He shall perform such other duties as may be required of him by the Board.

Sec. 22. The Board shall, in the month of June of each year, advertise for bids from the banks and trust companies in such city for the current deposits of such Board, to be secured by bond with surety to be approved by the Board in an amount to be fixed by the Board, and said bids shall specify the rate of interest to be allowed to said Board on such deposits and the nature of the security offered; and such deposits shall be annually awarded to the two institutions, banks or trust companies that offer, with the required security, the highest rates of interest therefor; and the Board shall cause contracts for the ensuing year to be made with such banks or trust companies so receiving the award of such deposits. All moneys due the Board, from any source whatsoever, shall be paid to the Secretary and Treasurer, who shall thereupon cause all funds received to be paid into such designated depositories, the balances in each to be kept as nearly equal as practicable. The fiscal year of the Board shall end on the 30th day of June of each year, and the annual contract shall be made in the month of June of each year for the deposits of the succeeding fiscal year.

The funds of the Board deposited in bank shall be withdrawn only on the order of the Board, evidenced by the check of its Secretary and Treasurer, countersigned by the President of the Board, or, in his absence or disability by the Vice-President.

Sec. 23. It shall be the duty of the Board at the beginning of each fiscal year to apportion the revenues available for that year to the different departments, for expenditure in support of the schools for that year, and no report or resolution shall be adopted by the Board calling for the expenditure of money unless it states specifically the fund from which the appropriation is to be made, and is accompanied by the certificate of the Secretary and Treasurer showing sufficient balance in such fund available for such expenditure.

Sec. 24. The Board shall have power to borrow money on the credit of the Board in anticipation of the revenue from school taxes for the fiscal year in which the same is borrowed and to pledge said school taxes for the payment of the principal and interest of said loan: Provided, that the interest

paid shall in no case exceed six per cent per annum and the principal shall in no case exceed fifty per cent of the anticipated revenue.

Sec. 25. To raise money for the maintenance of the schools the General Council shall annually cause to be levied and collected a tax of not less than thirty-six cents (.36) on each one hundred (\$100.00) dollars of property assessed for taxation for city purposes. Upon the completion of the assessment of property for taxation, the amount levied as above shall annually be passed to the credit of the school fund, upon the books of the city, and the said amount, as collected, shall be paid over to the Board by the Treasurer of the city, in regular monthly installments, the first payment to be made within one week after the collection of said amount shall have been commenced and the other payments to be made weekly thereafter in current money by the said Treasurer as collected.

Sec. 26. For the maintenance of the schools there shall be appropriated the sum or sums which may be received from year to year as the City's portion of the school fund of this Commonwealth.

Sec. 27. So much real or mixed property in the city, which from alienage, defect of heirs, failure of kindred or other causes, shall escheat to the Commonwealth of Kentucky shall vest in the Board for the use and benefit of the common schools. Said Board may, in the name of the Commonwealth, for the use and benefit of the common schools of the city, by its President or other officer to be designated by it, enter upon and take possession of said property or sue for and recover the same by an action at law or in equity, and without office found. The Board may sell and convey any of such property by warranty, deed or otherwise.

Sec. 28. All officers of any city of the first class, and of the State, concerned with the assessment and collection of taxes, fines and penalties shall perform such duties in relation to the levying and collection of school taxes and the collection of such fines and penalties, and the payment thereof to said Board for school purposes, as are now imposed by the existing laws upon such officers in relation to the levy and collection of school taxes and the collection of fines and penalties payable to the school funds; and nothing in this Act, unless inconsistent therewith, shall be construed as repealing any existing law providing for the assessment and collection of school taxes in such city; and all powers and duties conferred by existing law upon any Board in relation thereto shall be continued in the Board created by this Act.

Sec. 29. At the close of each fiscal school year the Mayor of such city shall appoint one or more expert accountants, who shall examine the books, accounts and vouchers of the Secretary and Treasurer, Business Director, and all other departments of expenditures of the Board, and shall make due report thereof to the Mayor and Board of Education of such city. All the officers and employes of the Board shall produce and submit to such accountants for examination of all books, papers, documents, vouchers and accounts in their office belonging to the same or thereto pertaining, and shall in every way assist said accountants in their work. In the report to be made by said accountants they may make any recommendation they deem proper as to the business methods of such officers and employes. A reasonable compensation for such services shall be paid by the Board.

Sec. 30. The Board shall have the power to establish and maintain kindergartens for children from four to six years of age, high schools, manual training schools and a normal school and normal training classes for the purposes of training teachers to fill positions in the schools of the city, and to this end it may prescribe rules and regulations for the government of such schools, and as in other cases it may employ the principals and other teachers necessary for their efficient management.

Sec. 31. The Board shall provide, maintain and support separate schools wherein all colored children, who are bona fide residents of said city, between the ages of six and twenty years, may be taught in like manner as herein provided for white children. Said schools for colored children shall be entitled to the same benefits, be governed by the same rules and regulations, and be subject to the same restrictions as the schools herein provided for the white children.

Sec. 32. The Board shall prescribe the necessary qualifications and mode of examination for applicants for admission to the various school, and may furnish text-books and necessary school supplies to pupils free of charge under such rules and regulations as it may adopt.

Sec. 33. No formula of religious belief shall be taught or inculcated, nor shall any class or any text-book be used which reflects on any religious denomination.

Sec. 34. The Board shall have power to admit to the school pupils from beyond the city limits, and shall collect from all persons so admitted tuition fees for the benefit of the school fund of the city, but may make equitable allowance or reduction for taxes paid for schools by such children or their parents on property in the city. Children of persons residing

outside of the city limits shall not be admitted as pupils into any of the public schools, except upon payment of such tuition as the Board may require as aforesaid.

Sec. 35. A city of the first class being deemed one school district for taxation purposes and entitled to its proportion of the common school fund of the Commonwealth, the Board of Education of such city shall make detailed reports annually and special reports as required to the State Superintendent of Public Instruction. The Board shall also, in the year 1911, and every third year thereafter, take the census of children of school age and make returns thereof to the Superintendent of Public Instruction, at the same time other school officers are required to make returns; and for the neglect of this duty the members of the Board shall be liable to the same penalties. This census shall be taken under regulations approved by the State Board of Education.

For the years in which no census is required to be taken, the Superintendent of Public Instruction shall determine the amount per capita to be paid over to the boards of education of such cities by adding annually to the number of children of school age, as shown by the next preceding census actually taken, such increase or addition as he may ascertain to be the annual increase of children of school age in the district upon averaging the yearly increase shown by the three actual enumerations next preceding: Provided, however, that the Board of Education of any such city or the Superintendent of Public Instruction may elect to take an actual census in any of such years, in which case the return of such census shall govern.

Sec. 36. The Board shall, at the end of each scholastic year, prepare and publish, for the information of the public, a report which shall include the annual reports made to the Board by the Superintendent, Business Director and Secretary and Treasurer, together with such other information as may be proper and necessary to an understanding of the general condition and educational progress of the schools during the preceding year.

Sec. 37. Any member, officer or employe of such Board who shall wilfully violate any of the provisions of this act shall be deemed guilty of a misdemeanor, and on conviction shall, unless otherwise herein provided, be punished by a fine of not more than five hundred dollars or imprisonment not exceeding one year, or by both fine and imprisonment in the discretion of the jury. But nothing herein contained shall be construed as suspending the general criminal laws of the State so far as applicable.

Sec. 38. The general school laws of this State and all laws and parts of laws applicable to the general system of common schools in a city of the first class and not inconsistent herewith, shall be in full force and effect in such city.

March, 1910.

BOARD OF WATER WORKS.

AN ACT to amend an act entitled "An act in relation to the control, management and operation of water works in cities of the first class," approved March 6, 1906, and being Section 3024a, of the Kentucky Statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Seltion 1. That Section 2, of an act entitled "An Act in Relation to the Control, Management and Operation of Water Works in Cities of the First Class," approved March 6, 1906, and being Section 3024a, of the Kentucky Statutes, be amended by striking from said section the words: "Provided, however, that a member of the Board shall be eligible to succeed himself except the three who are first appointed for the short terms of one, two and three years respectively," and inserting in lieu thereof the following: "And such appointees shall be eligible to succeed themselves," so that said action as amended will read as follows:

"The Mayor of any such city shall appoint, subject to the approval of the Board of Aldermen, four (4) persons, who shall constitute a body corporate and be known as its 'Board of Water Works' and the Mayor of such city shall be an ex-officio member of said 'Board of Water Works.' Each appointee shall be at least thirty years of age and reside within the city and be the owner in his own right of real estate situated therein. No officer or employe of said city, whether holding a paid or unpaid office, shall be eligible for appointment to the said board. The terms of the persons first appointed, as above provided, shall be as follows: One for a term of one year; one for a term of two years; one for a term of three years, and one for a term of four years. Thereafter, as their terms expire, their successors shall be appointed in the same manner but for the terms of four years each, and

such appointees shall be eligible to succeed themselves. All vacancies upon the board, whether caused by death or resignation, shall be filled for the unexpired term by appointment in the same manner. Each member shall hold his office until his successor has been appointed and qualified."

Sec. 2. That Section 9, of said act, be amended by striking from said section the words, "One million (\$1,000,000) dollars," and inserting in lieu thereof the following: "One million five hundred thousand (\$1,500,000) dollars," so that said section as amended will read as follows:

"Said Board of Water Works shall have the authority to borrow money and execute the necessary writings therefor, not to exceed the gross receipts for the current years, for the purpose of providing for any of the obligations of said water works corporation and for the current expenses of said board; and, in addition thereto, whenever said board shall deem it expedient to provide for the funding of any outstanding bonds of such water works corporation or the funding of its floating indebtedness, it shall have the authority (the Commissioners of the Sinking Fund of such city having first, by resolution, consented thereto) to issue for either or both of said purposes the bonds of such water works corporation not to exceed in amount the sum of one million five hundred thousand (\$1,500,000) dollars, in denominations of one thousand (\$1,000) dollars each, to mature not exceeding forty years from date, bearing interest at a rate not to exceed 4 per cent. per annum, payable semi-annually, such interest to be evidenced by coupons attached, said bonds to be signed by the president and secretary of said board, and said coupons to be evidenced by the engraved signature of the secretary, and to secure the said bonds, with the coupons so attached, by a mortgage upon the rights, privileges, franchises and property of said water works corporation. Said bonds, when so issued, shall be placed with and sold by the Commissioners of the Sinking Fund at a price not less than their face value and the proceeds applied by said Commissioners to the purpose for which the bonds were issued. It shall be the duty of the said Board of Water Works to provide, at any time any such bonds are issued, for a sinking fund which shall be sufficient to pay said interest coupons and to retire the principal of said bonds at maturity, which sinking fund shall be deposited by said board with the Commissioners of the Sinking Fund of such city to be invested, managed, controlled and applied by said Commissioners for the payment of the interest and principal of the bonds so issued. The total bonded debt upon said property outstanding at any time shall not exceed one mil-

lion five hundred thousand (\$1,500,000) dollars.”

Sec. 3. Inasmuch as it is necessary to make provision for the refunding of bonds in accordance with the provisions of this act, prior to ninety days after the adjournment of the General Assembly, an emergency exists and is hereby declared and this act shall take effect from and after its passage.

March, 1910.

HOSPITAL COMMISSION.

AN ACT to enable cities of the first class to construct a public hospital.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The mayor of any city of the first class may appoint four persons who, with the mayor as a member ex-officio, shall constitute a Hospital Commission. Of such appointees two shall be members of the Democratic party and two members of the Republican party. Each appointee shall be at least twenty-five years of age and reside within the city, and be the owner in his own right of real estate. No officer or employe of said city, whether holding a paid or unpaid office, shall be eligible for appointment to the said Commission. Such appointees shall be subject to the approval of the Board of Aldermen. The term of office shall be four years, but if the work herein provided for is sooner completed such term of office shall expire at such completion. Vacancies shall be filled for the unexpired term in the same manner as the original appointment.

§ 2. The persons appointed as provided for in the first section and their successors shall constitute a body corporate under the name of the Commissioners of Hospital of——— (the name of the city in which they are appointed being used to fill the blank), and shall have capacity to contract and be contracted with, to sue and be sued in that name, and to adopt a seal and alter the same at pleasure. Said Commission shall elect a chairman from the appointed members. It shall, by unanimous vote, elect a secretary and treasurer, not a member of the Commission who shall hold the combined office at the pleasure of a majority of the Commission, and receive a salary to be fixed by the Commission, not exceeding \$1,800 per annum, to be paid by the Commission. It shall, by like

vote (but not until nor unless the bonds provided for in section 10 of this act shall be voted,) elect a superintendent of construction. This officer must be a draughtsman, experienced in and familiar with fireproof construction and the erection of large buildings and their mechanical equipment, and experienced in reading and executing architect's plans and specifications. He shall give his entire attention to the affairs of the Commission, and shall receive as compensation a salary, to be fixed and paid by the Commission, not exceeding \$4,000 per annum. He shall be removable at the pleasure of a majority of the Commission. The appointed members of the Commission shall receive no compensation, but shall be allowed their expenses of travel when on business of the Commission.

§ 3. It shall be the duty of the Commission to make such careful examination of the method of constructing and furnishing public hospitals as may enable it to determine the best plan of erecting and furnishing a public hospital that will fully answer the needs of the city for which it is appointed, taking into consideration its probable growth, including the necessary buildings and their ventilation, heating, lighting and furnishing. The Commission shall have the power to employ one or more architects to submit plans for such construction and furnishing, together or separately, and to attend to the carrying out of the same, and pay a reasonable compensation therefor (but no compensation shall be paid any such architects until or unless the bonds provided for in section 10 of the act shall be voted).

§ 4. The chairman, superintendent of construction and the secretary and treasurer of the Commission shall each give bond, with approved surety in such sum as may be fixed by the Commission, which bond shall be payable to the Commission, and oblige the makers thereof to perform faithfully the duties of their several offices, and faithfully account for and pay over all money or other thing of value which may come into their several hands. The premium for said bonds shall be paid by the Commission.

§ 5. When the Commission shall have determined upon a general plan for the construction and furnishing of a public hospital, which, in its judgment, is the most expedient to be determined upon, it shall report the same, as well as such other proposed plans as it may deem expedient, to the mayor, giving a description of the general plan of the construction and furnishing of the hospital and the probable cost of carrying out each plan. The mayor shall lay this report before the general council and the plan recommended by the Commission shall be adopted and carried out by the Commission unless

the plan recommended by the Commission shall, within thirty days after it has been received by the general council, be rejected and disapproved by a two-thirds vote of all the members of each board of the general council, each of said boards sitting separately. If said plan so recommended by the Commission be so rejected by the general council, then at any time within thirty days thereafter one or the other of the alternative plans presented as aforesaid to the general council may be considered by it, and of these plans the one shall finally be adopted which shall be approved by a two-thirds vote of all the members of each board of the general council, each of said boards sitting separately; and if none of the plans so submitted receives the necessary two-thirds vote within thirty days after the one recommended by the Commission has been rejected as aforesaid, then said Commission, with the approval of the mayor, shall have the right to choose a plan and carry it out. The general council shall have no power to vary any plan proposed and presented by the Commission, but adopting one of those reported must adopt it in its entirety.

§ 6. Said Commission shall have full power and authority to carry out the purposes of this act, among which powers shall be the following; that is to say:

(a) To make all such preliminary investigations and to do all such preliminary work as should, in its judgment, precede the actual construction of said public hospital.

(b) To determine upon a proper site for such public hospital: Provided, however, That where in any such city there is at the time a public hospital, that site as it exists or as enlarged by the acquisition of such adjacent property as may be recommended by the Commission, shall be used unless the Commission shall unanimously determine that it is unsuitable for the purpose and shall recommend to the mayor the acquisition of another site. In the event of such recommendation the mayor shall lay the matter before the general council, who shall approve or disapprove the recommendation of the commission as to such change of site, and only upon the approval of such change by resolution duly adopted by both boards of the general council and approved by the mayor, shall such new site be adopted. In the event a new site is used the proceeds of the sale of the old site shall go to the payment for the new site.

(c) To provide accommodations for patients of the existing public hospital while the new building is in course of erection and furnishing: Provided, however, That the general council may, out of its levy for charitable institutions, assume the whole or part of the expense of providing such temporary

accommodations, to the relief of the funds of the Commission.

(d) Besides the Superintendent of Construction the Commission may appoint or employ such other professional or technical advisers and experts and such agents, assistants, clerks, employes and laborers, skilled or unskilled, of all kinds, as it may deem requisite for the due and proper execution of the duties devolved upon it by this act, and may fix their respective compensation and remove or discharge them at pleasure, and may exact from any of its officers or employes such indemnity bonds for the proper performance of their respective duties as it may deem proper.

(e) To establish and enforce such reasonable rules and regulations for its own government and for the supervision, protection, management and conduct of its work and the payment therefor as it may deem expedient.

(f) To make and enter into, in its name, any and all contracts, agreements or stipulations germane to the scope of its duties and powers under this act.

(g) To purchase, hire, or otherwise obtain, the use of all such lands, building, machinery, tools, implements, supplies, appliances, materials and working agencies as it may need for its purposes: Provided, That this enumeration of special powers in the subdivisions of this section shall not be construed as restricting in any degree the scope of the general powers hereinbefore conferred upon the Commission.

§ 7. Said Commission may acquire, by gift, purchase or lease, or by condemnation, any land or property situated wholly within the city where such hospital is located, or any interest, franchise, easement, right or privilege therein which may be required for the purpose of constructing, furnishing, maintaining and operating such public hospital. The method of condemnation of property shall be the same as that provided for the condemnation for appropriate municipal purposes by cities of the first class.

§ 8. All work to be done, or supplies or materials to be purchased in carrying out the purposes of this act, when involving an expenditure of five hundred dollars or more, shall be by contract awarded to the lowest and best bidder, but the Commission, with the consent of four of the members may itself do any part or parts of such work under such conditions as it may prescribe, by day labor, whenever the superintendent of construction, in writing, shall recommend that course. All bids or parts of bids, for any work or supplies or materials may be rejected by said Commission. This section shall not apply to nor be construed so as to limit the power of the Commission in the employment of architects,

employees, clerks, or agents, nor to the renting of grounds or buildings for the accommodation of patients while the hospital is in course of construction and furnishing.

§ 9. In order to provide money for the construction and furnishing of the said public hospital the general council may adopt an ordinance submitting to the voters of the city, at the November election, 1910, the question whether bonds of the city shall be issued for the purpose of carrying out the work herein provided for. The ordinance shall provide the date and maturity of such bonds, the rate of interest they shall bear and the total amount to be issued, which shall not exceed one million dollars, and the ordinance shall also contain the necessary details in reference to the execution and delivery of said bonds, their denominations, coupons to be annexed, tax to be levied to pay the interest, and a sinking fund to retire such bonds at maturity. Such ordinance for the submission of the question of issuing bonds to the people may be adopted by the general council either prior or subsequent to the selection of the plan to be used in the construction of said public hospital.

§ 10. If the voters of the city shall determine that such bonds shall be issued, they shall, when so issued, be placed under the control of said Commission, who shall determine when and at what price and how they shall be sold: Provided, That no such bonds shall be sold for less than par, and provided, further, that any premium which may be obtained from said bonds shall constitute a part of the sinking fund for their ultimate retirement. As the said bonds are sold, their proceeds shall go to the credit of the Commission in the same depositories which are selected for the deposit of the funds of the Sinking Fund Commissioners of the city, and upon the same agreement as to interest, and shall be withdrawn only upon the checks of the secretary and treasurer of the Commission, countersigned in such manner and accompanied by voucher approved in such manner, as may be prescribed by regulations to be adopted by the Commission.

§ 11. All disbursements of the Commission, including compensation to its officers, agents and others employed by it, shall come out of the proceeds of the sale of the said bonds: Provided, however, that the Commission shall have the right to borrow enough money to defray the liabilities incurred by it up to the time it shall receive such proceeds, and in the event that the voters of the city shall reject the said ordinance, then the city shall be responsible for the repayment of all money so borrowed; and provided that in the event the said

ordinance to be submitted to the people is not adopted by them, then on the first day of December, 1910, the powers herein granted to the said commission shall cease and the said Commission shall stand dissolved.

§ 12. Upon the dissolution of the said Commission, as provided in Section 11, or upon its dissolution growing out of its completion of the work and the consequent expiration of the terms of the members of the Commission, all property, real, personal and mixed, franchises, easements, maps, plans, books and papers, shall, by operation of law, and whether acquired by gift, purchase, condemnation or any other method, vest in and become the property of the city, and all money then in the hands of the Commission shall be by it turned over to the city to be used first to defray any liabilities which have been incurred by the Commission; and, second, the balance, if any, to be paid into the hands of the Commissioners of the sinking fund of such city to be used by them as a sinking fund for the bonds hereinbefore provided for. The Commission shall pay out of proceeds of the sale of said bonds all valid claims for damages or otherwise which may be preferred against it, and the city shall not be liable for any debt which the Hospital Commission may incur, or any claim for damages which may be asserted or awarded against said Commission.

§ 13. All legal services or advice required by the Hospital Commission shall be rendered by the City Attorney and his assistants without additional compensation.

§ 14. Section 2827, Kentucky Statutes, vesting in the Board of Public Works of cities of the first class supervision and control over the construction of all public buildings and public improvements shall, to the extent that it conflicts with this act, stand repealed, and Section 2861, Kentucky Statutes, vesting in the Board of Safety exclusive control of all matters relating to the city hospital shall, to the extent that it conflicts with this act, stand repealed; Provided, That after said public hospital shall be constructed and turned over to the city, as provided in Section 12 of this act, then said two sections shall attach and thereafter continue as provided by an act entitled "An Act for the Government of Cities of the First Class."

§ 15. This act shall become a law from and after its passage, there being an emergency for the immediate taking effect of this act by reason of the fact that cities of the first class are in urgent need of a public hospital.

March, 1910.

TENEMENT HOUSE ACT.

AN ACT concerning tenement houses, apartment houses and flat houses in cities of the first-class, and relating to their construction, reconstruction, alteration, maintenance, sanitation, inspection, protection, safety, control and regulation, and providing penalties for violations of this Act.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

ARTICLE I.

General Provisions.

§ 1. **Short Title.**—This Act shall be known as the “Tenement House Act.”

§ 2. **Definitions.**—Certain words and terms in this Act are defined for the purposes thereof as follows:

1. Words used in the present tense include the future; words in the masculine gender include the feminine and neuter; the singular number includes the plural, and the plural the singular; the word “person” includes a corporation as well as a natural person.

2. A “tenement house” is any house or building, or portion thereof, in a city of the first-class, which is rented, leased, let or hired out, to be occupied, or is occupied, or is intended, arranged or designated to be occupied as the home or residence of three families or more, living independently of each other, and doing their cooking upon the premises, and having a common right in the halls, stairways, yard, cellar, water-closets or privies, or some of them, and includes apartment houses and flat houses in cities of the first-class.

3. A “yard” is an open, unoccupied space on the same lot with a tenement house, between the extreme rear line of the house and the extreme rear line of the lot.

4. A “court” is an open, unoccupied space, other than a yard, on the same lot with a tenement house. A court, not extending to a street or yard, is an inner court. A court, extending to a street only, is a street court. A court extending to a yard or alley only, is a yard court. A court extending through from street to yard or alley, is a through court.

5. A "shaft" includes exterior and interior shafts, whether for air, light, elevator, dumbwaiter, or any other purpose.

6. A "public hall" is a hall, corridor or passageway not within an apartment.

7. A "stair hall" includes the stairs, stair landings and those portions of the public halls through which it is necessary to pass in going between the entrance floor and the roof.

8. A "basement" is a story partly, but not more than one-half below the level of the curb.

9. An "apartment" is a suite of two or more rooms used or intended to be used as the home of one family or household.

10. By a "corner lot," as used in this Act, is meant a lot abutting on two intersecting streets, or a street and an intersecting highway or public alley not less than twenty feet wide measured between the property lines.

11. The word "nuisance," in this Act, shall be held to embrace a public nuisance, as known at common law or in equity jurisprudence; and it is hereby further enacted that whatever is dangerous to human life or detrimental to health in, under, over, around or about a tenement house; whatever tenement house, or part thereof, is overcrowded with occupants, or is not provided with adequate ingress and egress to and from the same, or the apartments thereof; whatever tenement house or part thereof is not sufficiently supported, ventilated, sewered, drained, cleaned or lighted, in reference to the intended or actual use; and whatever renders the air or human food or drink therein unwholesome, are also severally, in contemplation of this Act, nuisances; and all such nuisances are hereby declared illegal.

12. The word "shall" is always mandatory, and not directory, and denotes that the house shall be made and maintained, in all respects, according to this Act, as long as it continues to be a tenement house.

13. Wherever the words "charter," "ordinance," "regulations," "department of buildings," "building department," "health department," "department of health," "department charged with the enforcement of this Act," "city attorney," "corporation counsel," "city treasury," or "fire limits," occur in this Act, they shall be construed as if followed by the words "of the city of the first-class in which the tenement house is situated." Wherever the words "is occupied" are used in this Act, applying to a building, such words shall be construed as if followed by the words "or in intended, arranged or designed to be occupied."

15. The "height" of a tenement house is the perpendicular distance, measured in a straight line from the curb level to the highest point of the roof beams, the measurements in all cases to be taken through the center of the facade of the house. Where a building is on a corner lot and there is more than one grade or level, the measurements shall be taken through the center of the facade on the street having the greatest grade.

§ 3. **Buildings Converted or Altered.**—A building not erected for use as a tenement house, if hereafter converted or altered to such use, shall thereupon become subject to all the provisions of this Act affecting tenement houses hereafter erected.

§ 4. **Alterations and Change in Occupancy.**—No tenement house hereafter erected shall at any time be altered so as to be in violation of any provision of this Act. And no tenement house erected prior to the passage of this Act shall at any time be altered so as to be in violation of those provisions of this Act applicable to such tenement house. If any tenement house, or part thereof, is occupied by more families than provided in this Act, or is erected, altered or occupied contrary to law, such tenement house shall be deemed an unlawful structure, and the health department may cause such building to be vacated. And such building shall not again be occupied until it or its occupation, as the case may be, has been made to conform to the law.

§ 5. **Law Not to be Modified.**—No ordinance, regulation or ruling of any municipal body or authority shall repeal, amend, modify or dispense with any provision of this Act; provided, however, that nothing contained in this Section or in this Act shall impair the right of any city of the first class to pass and enforce any ordinance regulating the subjects of buildings, sanitation, fire protection or inspection, provided such ordinance is not inconsistent with any of the provisions of this Act.

§ 6. **Time for Compliance.**—All improvements specifically required by this Act in or upon tenement houses erected prior to the date of its passage, shall be made within two years from said date.

ARTICLE II.

Title 1. Light and Ventilation.

§ 7. **Percentage of Lot Occupied.**—No tenement house hereafter erected shall occupy more than eighty per centum of

a corner lot; nor more than seventy per centum of any other lot. The measurements shall be taken at the ground level, except where there is a store on the ground floor, as specified in Sections eight and ten of this Act.

§ 8. **Yards.**—Behind every tenement house hereafter erected there shall be a yard extending across the entire width of the lot, and at every point open from the ground to the sky unobstructed. The depth of said yard, measured from the extreme rear wall of the house to the rear line of the lot, shall be proportionate to the height of the building. In the case of tenement houses hereafter erected which are fifty feet in height, the yard shall not be less than fifteen feet in depth in every part. Said yard shall be increased in depth one foot for every additional twelve feet of height of the building or fraction thereof; and may be decreased in depth one foot for every twelve feet in depth in any part; except that, where there is a public alley at the rear of the lot, the width of said yard may be decreased by the width of said alley measured between the property lines; and except that where there is a store on the first story, and that story is or is intended to be occupied for business purposes only, of a kind not prohibited by this Act of this Act, said yard may be considered to start at the level of the second story beams; provided that the roof of said store is properly drained and finished with granitoid, or other roofing susceptible of being cleaned and swept and make accessible to a janitor.

§ 9. **Courts.**—No court shall be less in any part than the minimum sizes prescribed in this section. In case of any tenement house hereafter erected, the sizes of all inner and the width of all through courts upon which windows open shall be proportionate to the height of the building. The width of all street and yard courts shall be proportionate to the length of said courts. In case of any tenement house hereafter erected which is fifty feet in height, the width of all inner courts shall be not less than twelve feet in any part, and the length shall not be less than twenty-four feet in any part, and for every twelve feet of increase, or fraction thereof, in the height of said building, such width and length shall each be increased at least one foot in the height of such story; and for every twelve feet of decrease in the height of the said building below fifty feet, such width and length may each be decreased one foot; but no inner court shall ever be less than ten feet in width in any part, nor less than twenty feet in length in any part. No through court shall be less in width than the minimum prescribed for the inner court, except that where no windows open upon an outer court, such court may

have three feet as its minimum width. In case of a yard and street court, the width of such court shall never be less than one-half of its length; provided that nothing in this section or any other section of this act shall permit any increase in the maximum percentage of the lot permitted to be occupied by a tenement house as required in section seven of this act.

§ 10. **Courts Open at Top.**—No court of a tenement house hereafter erected shall be covered by a roof or skylight, but every such court shall be at every point open from the ground to the sky unobstructed; except that where there is a store on the first story, and that story is, or is intended to be occupied for business purposes, of a kind not prohibited by this act, such court may start at the level of the first story beams; provided that the roof of said store is properly drained and finished with granitoid or other roofing susceptible of being cleaned and swept, and made accessible to a janitor.

§ 11. **Air Intakes.** Every inner court shall be provided with one or more horizontal air-intakes at the bottom. Each such air-intake shall always communicate directly with the street, yard or alley, and shall consist of a fireproof passage way not less than thirty-five feet in area of cross section, which shall be left open and unobstructed, except that it may be closed by grills which shall not diminish its area more than ten per cent. No door or window shall open upon this intake unless it is at least two full stories in height. Where there is a store on the first story, as permitted by this act, the bottom of the court, as used in this section, shall be taken to mean the roof of said store.

§ 12. **Angles in Courts.**—Nothing contained in the foregoing sections concerning courts shall be construed as preventing windows at the angles of said courts, provided that the running length of the wall containing such windows does not exceed six feet.

§ 13. **Tenements in Alleys.**—No separate tenement house shall be erected upon any private alley. No separate tenement house shall be erected upon any public alley where there is not left an open space of at least twenty-five feet in width between the tenement house and the opposite property line.

§ 14. **Buildings on Same Lot With Tenement Houses.**—If any building is hereafter placed on the same lot with a tenement house, there shall always be maintained between the said buildings an open, unobstructed space extending upwards from the ground and extending across the entire width of the lot. Where either building is fifty feet in height, such open space shall be twenty-four feet from wall to wall; and for

every twelve feet of increase, or fraction thereof, in the height of such building, such open space shall be increased two feet in depth throughout the entire width, and for every twelve feet of decrease in the height of such building below fifty feet, the depth of such open space may be decreased two feet. And no building of any kind shall be hereafter placed upon the same lot with a tenement house so as to decrease the minimum size of courts or yards as hereinbefore prescribed. And if any tenement house is hereafter erected upon any lot upon which there is already another building, it shall comply with all of the provisions of this act, and in addition, the space between the said building and the said tenement house shall be of such size and arranged in such manner as is prescribed in this section, the height of the highest building on the lot to regulate the dimensions.

§ 15. **Rooms, Lighting of and Ventilation of.**—In every tenement house hereafter erected, every room, including water closet compartments and bath rooms, shall have at least one window opening directly upon the street, or upon a yard or court of the dimensions specified in this Act; and such window or windows shall be so located as to properly light all portions of such room.

§ 16. **Windows in Rooms.**—In every tenement house hereafter erected, the total window area in each room, including water closet compartments and bath rooms, shall be at least one-tenth of the superficial floor area of the room, and the top of at least one window shall be not less than seven feet six inches above the floor, and the upper half of it shall be made so as to open the full width. No such window shall be less than twelve square feet in area between the stop beads.

§ 17. **Rooms, Size of.**—In every tenement house hereafter erected, all rooms, except water closet compartments and bath rooms, shall be of the following minimum sizes: In each apartment there shall be at least one room containing not less than one hundred and fifty square feet of floor area, and each other room shall contain at least eighty-four square feet of floor area. Each room shall be in every part not less than nine feet high from the finished floor to the finished ceiling.

§ 18. **Alcoves and Alcove Rooms.**—In a tenement house hereafter erected, an alcove in any room shall be separately lighted and ventilated, as provided for rooms in the foregoing sections, and shall not be less than eighty square feet in floor area. No part of any room in a tenement house hereafter erected shall be enclosed or subdivided at any time, wholly or in part, by a curtain, portier, fixed or moveable par-

tition or other contrivance or device, unless such part of the room so enclosed or subdivided shall contain a separate window as herein required, and shall have a floor area of not less than eighty square feet.

§ 19. **Chimneys and Fireplaces.**—In every tenement house hereafter erected, there shall be adequate chimneys running through every floor with an open fireplace or grate, or place for a stove, for every apartment, properly connectd with one of said chimneys.

§ 20. **Privacy.**—In every tenement house hereafter erected, in each apartment of three or more rooms, access to every living room and bed room, and to at least one water closet apartment, shall be had without passing through any bed room.

§ 21. **Public Halls.**—In every tenement house hereafter erected, every public hall shall have at each story at least one window opening directly upon the street or alley, or upon a yard or court whose opposite wall is not less than fifteen feet from said window. When there is but one window, such window shall either be at the end of the hall with the plane of the window at right angles to the length of the hall, or so placed in the side of the hall that the distance from said window to either end of the hall is not greater than the width of the hall. When there is more than one window, said windows may be placed upon the side of the hall, provided that the distance between the windows is not in excess of twice the width of the hall, and the distance from the end of the hall to the nearest window is not in excess of the width of the hall.

§ 22. **Windows and Skylights for Public Halls, Size of.**—One at least of the windows provided to light each public hall or part thereof shall be at least two feet six inches wide and five feet high, measured between stop beads. In every such house there shall be in the roof, directly over each stair well, a ventilating skylight provided with ridge ventilators having a minimum opening of forty square inches, or such skylight shall be provided with fixed or movable louvres.

§ 23. **Windows for Stair Halls, Size of.**—In every tenement house hereafter erected there shall be provided for each story at least one window to light and ventilate each stair hall, which window shall be at least two and a half feet wide and five feet high, measured between the stop beads. A sash door shall be deemed the equivalent of a window in this and the two foregoing sections, provided that such door contains the amount of glazed surface prescribed for such window.

TITLE 3.

Sanitation.

§ 24. **Basement and Cellar Rooms.**—In tenement houses hereafter erected no room in the cellar shall be constructed, altered, converted or occupied for living purposes; and no room in the basement shall be constructed, altered, converted or occupied for living purposes, unless all of the following conditions are complied with:

1. Such room shall be at least nine feet high in every part from the floor to the ceiling.

2. The ceiling of such room shall be, in every part, at least four feet and six inches above the curb level of the street in front of such room, when such room or the apartment containing it, is located in the front part of the building. When, however, such room, or the apartment containing it, is located in the rear of the building, the yard across the entire width of the building shall be excavated so as to extend to a point below the floor level for a distance of at least three feet from the rear wall of the building. All courts upon which such room or apartment opens shall be excavated so as to extend to a point below the floor level of such room or apartment. Every such room shall be an integral part of an apartment containing a room having a window opening directly to the street or yard.

3. There shall be appurtenant to such room a separate water-closet, constructed and arranged as required by section twenty-nine of this Act.

4. Such room shall have a window or windows opening upon the street, or upon a yard or court. The total area of windows in such room shall be at least one-eighth of the superficial area of the room, and the upper half of the window shall be made to open the full width. No such window shall be less than twelve square feet in area between the top beads.

5. All walls surrounding such room shall be damp-proof.

6. The floor of such room shall be damp-proof and water-proof.

§ 26. **Cellars, Damp-proofing and Lighting.**—Every tenement house hereafter erected shall have all walls below the ground level and all cellars or lower floors damp-proof and water-proof. When necessary to make such walls and floors damp-proof and water-proof, the damp-proofing and water-proofing shall run through the walls and up the same as high as required and shall be continued throughout the floor, and

the cellar or lowest floor shall be properly constructed so as to prevent dampness or water from entering. All cellars and basements in such tenement houses shall be properly lighted and ventilated in all their parts.

§ 27. **Shafts, Courts, Areas and Yards.**—In every tenement house hereafter erected, the bottom of all shafts, courts, areas and yards which extend to the basement or cellar shall extend six inches below the floor level of said basement or cellar. In every tenement house hereafter erected all shafts, courts, areas and yards shall be properly graded and drained, and all shafts, courts and areas shall be paved.

§ 28. **Water Supply.**—In every tenement house hereafter erected there shall be in each apartment a proper sink with running water.

§ 29. **Water-closet Accommodations**—In every tenement house hereafter erected there shall be a separate water-closet in a separate compartment within each apartment. Each such water-closet shall be placed in a compartment completely separated from every other water-closet; such compartment shall be not less than three feet wide, and shall be inclosed with plastered partitions, which shall extend to the ceiling. Every such compartment shall have a window opening directly upon the street or upon a court or yard, except that where there is an adequate system of enforced ventilation said compartment may open upon a shaft. Every water-closet compartment hereafter placed in any tenement house shall be provided with proper means of lighting the same at night. If fixtures for gas or electricity are not provided in said compartment, then the door of said compartment shall be provided with translucent glass panels, or with a translucent glass transom, not less in area than four square feet. The floor of every such water-closet compartment shall be made water-proof with asphalt, tile, stone or some other water-proof material; and such water-proofing shall extend at least six inches above the floor so that the said floor can be washed or flushed out without leaking. No drip trays shall be permitted. No water-closet fixtures shall be inclosed with any woodwork.

§ 30. **Sewer Connection.**—No tenement house shall hereafter be erected on any street unless there is a public sewer therein or a private sewer connection directly with a public sewer. No cess-pool or privy vault or similar means of sewerage disposal shall be used in connection with any such tenement house, but every such house shall have its plumbing system connected with a public sewer before such house is occupied.

§ 31. **Plumbing.**—In every tenement house hereafter erected no plumbing fixtures shall be enclosed with woodwork. All plumbing pipes shall be exposed, when so required by the health department. In all tenement houses hereafter erected where plumbing or other pipes pass through floors or partitions, the openings around such pipes shall be sealed or made air-tight with plaster or other incombustible materials, so as to prevent the passage of air or the spread of fire from one floor to another or from room to room.

ARTICLE III.

Alterations.

§ 32. **Percentage of Lot Occupied.**—No tenement house shall hereafter be enlarged, or its lot be diminished, so that a greater percentage of the lot shall be occupied by buildings or structures than provided in section seven of this Act.

§ 33. **Yards.**—No tenement house shall hereafter be enlarged or its lot be diminished, so that the yard shall be less in depth than the minimum depths prescribed in Section eight of this Act for tenement houses hereafter erected. The measurements in all cases shall be taken from the extreme rear wall of the building to the rear lot line, and across the full width of the lot, and such yard shall be at every point open from the ground to the sky; except that, where there is a store on the first story and that story is or is intended to be occupied for business purposes only, of a kind not prohibited by this act, said yard may be considered to start at the level of the second story beams; provided that the roof of said store is properly drained and finished with granitoid, or other roofing, susceptible of being cleaned and swept and made accessible to a janitor.

§ 34. **Light Courts in Existing Building.**—Any court used or intended to be used to light or ventilate water-closet compartments or rooms, and which may be hereafter placed in a tenement house erected prior to the passage of this act, shall not be less in area than sixty-four square feet, nor less than eight feet in its least dimension, in any part, and such court shall, under no circumstances, be roofed or covered over at the top with a roof or skylight. Every such court shall be provided at the bottom with a horizontal air intake as provided in section eleven of this Act.

§ 35. **Additional Rooms and Halls.**—Any additional room or hall that is hereafter constructed or created in a tenement house shall comply, in all respects, with the provisions of this

Act relating to new construction, except that such room or hall may be of the same height as the other rooms or hall on the same story of the house.

§ 36. **Rooms, Lighting and Ventilation of.**—No tenement house shall be so altered that any room or public hall or stairs shall have its light or ventilation diminished in any way.

§ 37. **Alcoves and Alcove Rooms.**—No part of any room in a tenement house shall hereafter be inclosed or subdivided, wholly or in part, by a curtain, portiere, fixed or moveable partition or other contrivance or device, unless such part of the room so enclosed or subdivided shall contain a window as required by section eighteen of this Act, and have a floor area of not less than eighty square feet.

§ 38. **Skylights.**—All new skylights hereafter placed in a tenement house shall be provided with ridge ventilators having a minimum opening of forty square inches and also with either fixed or moveable louvres or with moveable sashes, and shall be of such size as may be determined to be practicable by the health department.

§ 39. **Water-closet Accommodations.**—Every new water-closet hereafter placed in a tenement house, except those provided to replace a defective or antiquated fixture in the same location, shall comply with the provisions of section twenty-nine of this Act relative to water-closets in tenement houses hereafter erected.

ARTICLE IV.

Maintenance.

§ 40. **Public Halls, Lighting of, in the Daytime.**—In every tenement house where the public halls and stairs are not provided with windows opening directly to the street or yard, and such halls and stairs are not sufficiently lighted, the owner of such house shall keep a proper light burning in the hallway, near the stairs, upon each floor, as may be necessary, from sunrise to sunset.

§ 41. **Public Halls, Lighting at Night.**—In every tenement house a proper light shall be kept burning by the owner in the public hallways, near the stairs, upon the entrance floor, and upon the second floor above the entrance floor of said house, every night from sunset to sunrise throughout the year, and upon all other floors of said house from sunset until ten o'clock in the evening.

§ 42. **Water-closets in Cellars.**—No water-closet shall be maintained in the cellar of any tenement house without a special permit in writing from the health department.

§ 43. **Water-closet Accommodations.**—There shall be provided at least one water-closet for every four families in every tenement house existing prior to the passage of this Act.

§ 44. **Basement and Cellar Rooms.**—Hereafter in tenement houses erected prior to the passage of this act, no room in the basement or cellar shall be occupied for living purposes without a written permit from the health department, and such permit shall be kept readily accessible in the main living room of the apartment containing such room. And no such room shall hereafter be occupied unless all the conditions of this section are complied with; and said written permit shall be issued only when all of the said conditions are complied with and if the permit is refused the reason for such refusal shall be stated by said department in writing, and a copy thereof shall be kept in a proper book in the office of said department, and be accessible to the public, and said conditions are as follows, to-wit:

1. Such room shall be at least seven feet high in every part from the floor to the ceiling.

2. The ceiling of such room shall be in every part at least two feet above the surface of the street or ground outside of or adjoining the same.

3. There shall be appurtenant to such room the use of a water-closet.

4. There shall be outside of and adjoining such room, and extending along the entire frontage of said room an open space at least three feet wide in every part, unless such room extends for more than one-half of its height above the curb level. Such space shall be well and effectually drained.

5. At least one of the rooms of the apartment of which such room is an integral part shall have a window or windows opening directly to the street or yard, of at least twelve square feet in size clear of the sash frame, and which shall open readily for purposes of ventilation.

6. If the house is situated over marshy ground, or ground on which water lies, or ground on which there is water pressure from below, the lowest floor shall be waterproof and dampproof.

7. Such room shall have sufficient light and ventilation, shall be well drained and dry, and shall be fit for human habitation in the opinion of the health department.

In case of rooms located in tenement houses erected prior to the passage of this Act, which do not comply with all the

provisions of subdivisions one, two and four of this section, the health department may issue a special permit for occupancy; provided said department shall certify in writing that such rooms have sufficient light and ventilation, are well drained and dry, and are fit for human habitation. The procedure in such cases shall be as follows: Upon receipt of a written request from the owner stating that there are rooms in the basement or cellar which are or have been occupied for living purposes, but which do not conform to the requirements of subdivisions one, two and four of this section, and requesting a special permit for the occupancy of such room, the said department shall cause an inspection to be made, and a written report filed which shall state the respects in which said rooms do not conform to the requirements of said subdivisions, and whether said rooms have sufficient light and ventilation, are well drained and dry, and are fit for human habitation. No such special permit, however, shall be issued unless such facts are certified to in writing by said department. Such special permits shall be issued only by the head of the department or his deputy, who may require such improvements or alterations in said rooms, as may be practicable, as a condition precedent to the granting of said special permit. All reports and papers connected therewith shall be deemed public records in the health department.

§ 45. **Water-closets and Public Sinks.**—In all tenement houses the floor or other surface beneath and around water-closets and sinks shall be maintained in good order and repair, and, if of wood, shall be kept well painted with light colored paint.

§ 46. **Cellar Walls and Ceilings.**—The cellar walls and ceilings of every tenement house shall be thoroughly whitewashed or painted a light color by the owner and shall be so maintained. Such whitewash or paint shall be renewed whenever necessary, as may be required by the health department.

§ 47. **Repairs.**—Every tenement house and all the parts thereof shall be kept in good repair, and the roof shall be kept so as not to leak, and all rain water shall be so drained and conveyed therefrom as to prevent its dripping on to the ground or causing dampness in the walls, ceilings, yards or areas.

§ 48. **Water Supply.**—Every tenement house shall have running water furnished in sufficient quantity at one or more places on each floor occupied by or intended to be occupied by one or more families. The owner shall provide proper and suitable tanks, pumps or other appliances to receive and to distribute an adequate and sufficient supply of such water at each floor in the said house, at all times of the year, during

all hours of the day and night. But a failure in the general supply of water by the city authorities shall not be construed to be a failure on the part of such owner, provided that proper and suitable appliances to receive and distribute such water have been provided in said house.

§ 49. **Cleanliness of Buildings.**—Every tenement house and every part thereof shall be kept clean and free from any accumulation of dirt, filth and garbage or other matter in or on the same, or in the yards, courts, passages, areas or alleys connected with or belonging to the same. The owner of every tenement house or part thereof shall thoroughly cleanse and keep clean at all times all of the parts, appurtenances and premises of a tenement house in common use among the tenants; and each tenant shall cleanse and keep clean at all times each room and apartment occupied by him, to the satisfaction of the health department.

§ 50. **Walls of Courts and Shafts.**—The walls of all yard courts, and inner courts, unless built of a light color brick or stone, shall be thoroughly whitewashed by the owner or shall be painted a light color by him, and shall be so maintained. Such whitewash or paint shall be renewed whenever necessary, as may be required by the health department.

§ 51. **Walls and Ceilings of Rooms.**—In all tenement houses, the health department may require the walls and ceilings of every room that does not open directly on the street to be kalsomined white or painted with white paint when necessary to improve the lighting of such room, and may require this to be renewed as often as may be necessary.

§ 52. **Wall Paper.**—No wall paper shall be placed upon a wall or ceiling of any tenement house unless all wall paper shall be first removed therefrom and said wall and ceiling thoroughly cleaned.

§ 53. **Receptacles for Ashes, Garbage and Rubbish.**—The owner of every tenement house shall provide for said building proper and suitable conveniences or receptacles for ashes, rubbish, garbage, refuse and other matter.

§ 54. **Prohibited Uses.**—No horse, cow, calf, swine, sheep, goat or chickens shall be kept in a tenement house, or on the same lot or premises thereof, and no tenement house, or the lot or premises thereof, shall be used for a lodging house for transients or as a stable, or for the storage or handling of rags, or as a place of public assemblage, or as a place of assignation or prostitution.

§ 55. **Combustible Materials.**—No tenement house or any part thereof, or the lot upon which it is situated, shall be used as a place of storage, keeping or handling of any com-

bustible article, except under such conditions as may be prescribed by the health department, under authority of a written permit issued by said department. No tenement house or any part thereof, or the lot upon which it is situated, shall be used as a place of storage, keeping or handling of any article dangerous or detrimental to life or health, or for the storage, keeping or handling of feed, hay, straw, excelsior, cotton, paper stock, feathers or rags.

§ 56. **Bakeries and Fat Boiling.**—No bakery and no place of business in which fat is boiled, shall be maintained in any tenement house which is not fireproof throughout.

§ 57. **Other Dangerous Businesses.**—There shall be no transom, window or door opening into a hall from any portion of a tenement house where paint, oil, spirituous or intoxicating liquors or drugs are stored for the purpose of sale or otherwise.

§ 58. **Janitor or Housekeeper.**—In any tenement house in which the owner thereof does not reside, and where there are ten or more apartments, there shall be a janitor, housekeeper or other responsible person, who shall reside in said house and have charge of the same, if the health department shall so require.

§ 59. **Overcrowding.**—If a room in a tenement house is overcrowded, the health department may order the number of persons sleeping or living in said room to be so reduced that there shall not be less than six hundred cubic feet of air to each adult, and four hundred cubic feet of air to each child under twelve years of age occupying such room.

§ 60. **Infected and Uninhabitable Houses to be Vacated.**—Whenever it shall be that a tenement house, or any part thereof, is infected with contagious disease, or that it is unfit for human habitation, or dangerous to life or health by reason of want of repair, or defects in the drainage, plumbing, ventilation, or the construction of the same, or by reason of the existence on the premises of a nuisance likely to cause sickness among the occupants of said house, the health department may issue an order requiring all persons therein to vacate such house, or part thereof, within not less than twenty-four hours nor more than ten days, for reasons to be mentioned in said order. In case such order is not complied with within the time specified, the health department may cause said tenement house or part thereof to be vacated. The department, whenever it is satisfied that the danger from said house or part thereof has ceased to exist, or that it is fit for human habitation, may revoke said order, or may extend the time within which to comply with the same.

§ 61. **Repairs to Buildings, Etc.**—Whenever any tenement house or any building, structure, excavation, business pursuit, matter or thing, in or about a tenement house, or the lot on which it is situated, or the plumbing, sewerage, drainage, light or ventilation thereof, is, in the opinion of the health department, in a condition dangerous or detrimental to life or health, the health department may declare that the same, to the extent it may specify, is a public nuisance, and may order the same to be removed, abated, suspended, altered or otherwise improved or purified, as the order shall specify. The health department may order or cause any tenement house or part thereof or any excavation, building, structure, sewer, plumbing pipe, passage, premises, ground, matter or thing, in or about a tenement house, or the lot on which it is situated, to be purified, cleaned, disinfected, removed, altered, repaired or improved. If any order of the department is not complied with, within five days after the service thereof, or within such time as the department may designate, then such order may be executed by said department through its officers, agents, employes or contractors.

§ 62. **Fire Escapes.**—Every tenement house hereafter erected, over two stories and a basement in height, and every building hereafter altered for use as a tenement house, over two stories and a basement in height, shall be equipped and kept equipped with such fire escapes for each floor as shall be deemed adequate by the building department. The owner of every tenement house shall keep all the fire escapes thereon in good order and repair, and whenever rusty shall have them properly painted with two coats of paint. No person shall at any time place any incumbrance of any kind before or upon any such fire-escape. Every tenement house hereafter erected within the fire limits shall be of fire-proof construction. Every tenement house hereafter erected, over three stories and a basement in height, and every non-fire-proof building hereafter altered for use as a tenement house, over three stories and a basement in height, shall be of fire-proof construction.

§ 63. **Fire Proofing, Scuttles, Bulkheads, Ladders and Stairs.**—All scuttles and bulkheads and all stairs or ladders leading thereto shall be easily accessible to all tenants of the building, and kept free from incumbrance, and ready for use at all times. No scuttle and no bulkhead door shall be at any time locked with a key, but either may be fastened on the inside by sliding bolts or hooks.

4. Where owing to the size of partitions, arrangement of rooms, location of fixed closets or stairs, or the interposition of air shafts, it is impracticable to provide a window of the required size, and a window as large as practicable is provided.

§ 65. **Public Halls, Lighting of.**—In every tenement house whenever a public hall on any floor is not light enough in the daytime to permit a person to read common news-print of a newspaper in every part thereof without the aid of artificial light, the wooden panels in the doors located at the ends of the public halls and opening into rooms, shall be removed, and ground glass, or other translucent glass or wire glass panels of an aggregate area of not less than four square feet for each door, shall be substituted; or said public hall may be lighted by a window or windows at the end thereof with the plane of each window at right angles to the axis of the said hall, said window or windows opening upon the street or upon a yard or court.

§ 66. **Public Halls, Lighting and Ventilation of.**—In all tenement houses erected prior to the passage of this act, the public halls and stairs shall be provided with as much light and ventilation to the outer air as may be deemed practicable by the health department, which may order such improvements and alterations in said houses as in its judgment may be necessary to accomplish this result. All new skylights hereafter placed in such houses shall be provided with ridge ventilators having a minimum opening of forty square inches and also with either fixed or moveable louvres or with movable sashes, and shall be of such size as may be determined to be practicable by said department.

§ 67. **Public Sinks.**—In all tenement houses erected prior to the passage of this act, the woodwork inclosing sinks located in the public halls or stairs shall be removed, and the space underneath said sinks shall be left open. The floors and wall surfaces beneath and around the sink or sinks shall be put in good order and repair and, if of wood, shall be well painted with light-colored paint.

§ 68. **Water-Closets.**—In all tenement houses erected prior to the passage of this act, the woodwork inclosing all water-closets shall be removed from the front of said closets, and the space underneath the seat shall be left open. The floor or other surface beneath and around the closet shall be put in good order and repair, and if of wood, shall be well painted with light-colored paint.

ARTICLE IV.

Improvements.

§. 64. **Rooms, Lighting and Ventilation of.**—No room in a tenement house existing prior to the passage of this Act shall hereafter be occupied for living purposes unless it shall have a window opening directly upon the street, or upon a yard not less than four feet deep, or above the roof of an adjoining building, or upon a court of not less than twenty square feet in area, open to the sky without roof or skylight, unless such room is located on the top floor and is adequately lighted and ventilated by a skylight opening directly to the outer air. Every room which does not comply with the above provisions shall be provided with a sash window, opening into an adjoining room in the same apartment which latter room either opens directly on the street or on a yard of the above dimensions. Said sash windows shall be a vertically-sliding pulley hung sash not less than three feet by five between stop beads; both halves shall be made so as to readily open, and the lower half shall be glazed with translucent glass, and so far as possible it shall be in line with windows in outer rooms opening on the street or yard so as to afford a maximum of light and ventilation. In the case of rooms located in apartments that extend through from the street to the yard, thus insuring through ventilation, where such rooms are already provided either with windows, window openings, glass sliding doors, or large alcove openings to adjoining rooms, but do not comply with all the provisions of this section, the health department when satisfied that no material improvement in the light and ventilation of such rooms can be had that would warrant the providing of new windows of the size and kind specified, may permit the occupancy of such rooms for living purposes in certain cases, provided such improvements or alterations as may be practicable and as are required by said department are made by the owner, and said certain cases are as follows:

1. Where there is an existing window or window-opening from such interior room to an adjoining room and such window or opening is not less than ten square feet in area.

2. Where there is an existing glass sliding door or an alcove opening of sufficient size from such interior room to an adjoining room.

3. Where rooms located on the top floor open upon a court of less size than twenty square feet or closed at the top, but such rooms have sufficient light and ventilation.

§ 69. **Privy Vaults, School Sinks and Water Closets.**—In all tenement houses erected prior to the passage of this Act, where a connection with a sewer is possible, all school sinks, privy vaults or other similar receptacles used to receive fecal matter, urine or sewage, shall, within two years from the passage and approval of this Act, be completely removed and the place where they were located disinfected under the direction of the health department. Such appliances shall be replaced by individual water-closets of durable non-absorbent material, properly sewer-connected, and with individual traps, and properly-connected flush tanks providing an ample flush of water to thoroughly cleanse the bowl. Each water-closet shall be located in a compartment completely separated from every other water-closet, and such compartment shall contain a window of not less than three square feet in area opening directly to the street or yard or on a court. The floors of the water-closet compartments shall be water-proof as provided in section twenty-nine of this Act. Where water-closets are placed in the yard, to replace school sinks or privy vaults, long hopper closets may be used; but all traps, flush tanks and pipes shall be protected against the action of frost. In such cases, the structure containing the water-closets shall not exceed ten feet in height; such structure shall be provided with a ventilating sky-light in the roof, of an adequate size, and each water-closet shall be located in a compartment completely separated from every other water-closet. Proper and adequate means for lighting the structure at night shall be provided. There shall be provided at least one water-closet for every four families or less in every tenement house existing on the day this act takes effect. Except as in this section otherwise provided, such water-closets and all plumbing in connection therewith shall be in accordance with the ordinances and regulations of the city in relation to plumbing and drainage.

§ 70. **Basements and Cellars.**—The floor of the cellar or lowest floor of every tenement house shall be free from dampness and, when necessary, shall be concreted with four inches of concrete of good quality and with a finished surface. The cellar ceiling of every tenement house shall be plastered, when so required by the health department, except where such ceiling is already well sheathed with matched boards, or well covered with a metal ceiling, or where the first floor above the cellar is constructed of iron beams and fireproof filling.

§ 71. **Shafts and Courts.**—In every tenement house there shall be at the bottom of every shaft and inner court, a door giving sufficient access to such shaft or court to enable it to

be properly cleaned out; provided, that where there is already a window or door in a tenement house, giving proper access to such shaft or court, such window or door shall be deemed sufficient.

ARTICLE VI.

Requirements and Remedies.

§ 72. **Permit to Commence Building.**—Before the construction or alteration of a tenement house, or the alteration or conversion of a building for use as a tenement house, is commenced, and before the construction or alteration of any building or structure on the same lot with a tenement house, the owner or his agent or architect, shall submit to the Inspector of Buildings and to the Health Department, a detailed statement in writing verified by the affidavit of the person making the statement, of the specifications for the light and ventilation and sanitation of such tenement house or building, and also a full and complete copy of the plans of such house or building and of the proposed work, and a correct plat, by dimensions, of the lot occupied or to be occupied. Such statement shall give in full the name and residence, by street and number, if any, of the owner or owners of such tenement house or building. If such construction, alteration or conversion is proposed to be made by any other person other than the owner of the land in fee, such statement shall also contain the full name and residence, by street and number, if any, of such other person, whether he be owner, lessee or agent. Said affidavit shall allege that said specifications and plans are true, and contain a correct description of such tenement house, building, structure, lot and proposed work. The statements and affidavits herein provided for may be made by the owner, or the person who proposes to make the construction, alteration or conversion, or by his agent or architect. No person, however, shall be recognized as the agent of the owner, for the purpose of this Act, unless he shall file with the said department a written instrument, signed by such owner, designating him as such agent. Any false swearing in a material point in any affidavit provided for in this Act shall be deemed such, and punished as such under the laws of the Commonwealth. Such specifications, plans, affidavits and statements shall be filed in the said departments and shall be deemed public records, and no such specifications, plans, affidavits or statements shall be removed from said departments. The said departments shall cause all such plans, statements,

affidavits and specifications to be examined, and if they conform to the provisions of this Act relative to the light, ventilation and sanitation of tenement houses, they shall be approved by the health department, and a written certificate to that effect shall be issued to the person submitting the same. Compliance with the provisions of this Act, other than those relating to light, ventilation and sanitation, shall be under the supervision of the department of building, and if such plans, statements, affidavits and specifications conform to the provisions of this Act in such other respects, they shall also be approved by said building department, and a written certificate to that effect issued to the person submitting the same. The respective departments may, from time to time, approve changes in any plans and specifications previously approved by them, provided the plans and specifications when so changed shall be in conformity with the law. The construction, alteration or conversion of such tenement house, building or structure or any part thereof, shall not be commenced until the filing of such plans, affidavits, specifications and statements, and the approval thereof, as above provided. The construction, alteration or conversion of such house, building or structure, shall be in accordance with such approved specifications and plans. Any permit or approval which may be issued by the health or building department, but under which no work has been done above the foundation walls within one year from the time of the issuance of such permit or approval, shall expire by limitation. Said departments or either of them shall have power to revoke or cancel any permit or approval in case of any failure or neglect to comply with any of the provisions of this Act, or in case any false statement or representation is made in any specifications, plans, affidavits or statements submitted or filed for such permit or approval.

§ 74. **Certificate of Compliance.**—No tenement house hereafter altered or constructed or building altered into a tenement house shall be occupied in whole or in part for human habitation until the issuance of a certificate by the health department that said building conforms in all respects to the requirements of this act relative to the light, ventilation and sanitation of tenement houses, and until the issuance of a certificate by the building department, that said house conforms in all other respects to the requirements of this act.

§ 74. **Penalties and Violations.**—Every person who shall violate, or assist in the violation of any provision of this Act, shall be fined not less than ten dollars nor more than twenty-five dollars for each and every day that such violation shall continue. Such person or persons shall also be liable for all

costs, expenses and disbursements paid or incurred by said departments, or by any of the officers thereof, or by any agent, employe or contractor of the same, in the removal of any nuisance or violation. The existence of any nuisance or violation of this act in or upon the property, shall subject said property to the fines and penalties prescribed by this act, and the said fines and penalties shall be a lien thereon from the time of the creation or existence of such nuisance or violation, and may be enforced in a proper proceeding in rem in any court of competent jurisdiction.

§ 75. **Procedure.**—In case any tenement house, building or structure or any part thereof is constructed, altered, converted or maintained in violation of any provision of this act or any order or notice of the departments charged with its enforcement, or in case a nuisance exists in any such tenement house, building or structure, or upon the lot on which it is situated, either of said departments or the city attorney or corporation counsel may institute in the name of the city any appropriate civil action or proceeding to prevent such unlawful construction, alteration, conversion or maintenance, or to restrain, correct or abate such violation or nuisance, or to prevent the occupation of said tenement house, building or structure, or to prevent any illegal act, conduct or business in or about such tenement house or lot, or from the imposition or collection of any fine or penalty prescribed by this act.

§ 76. **Registry of Owner's Name.**—Every owner of a tenement house and every lessee of the whole house, or other person having control of a tenement house, shall file in the health and building departments a notice containing his name and address, and also a description of the property, by street number or otherwise, as the case may be, in such manner as will enable the said departments easily to find him and the property.

§ 77. **Registry of Agent's Name.**—Every owner, agent or lessee of a tenement house shall file in the departments of health and of buildings a notice containing the name and address of an agent, residing in the city wherein the house is located, for the purpose of receiving service or process, in all actions herein provided for, and also a description of the property by street number or otherwise in such a manner as will enable the said departments to easily find the same. The name of the owner or lessee may be filed as agent for this purpose.

§ 78. **Service of Notice and Orders.**—Every notice or order issued by the departments in relation to a tenement house shall be served five days before the time for doing the

thing in relation to which it shall have been issued. The posting of a copy of such notice or order in a conspicuous place in the tenement house, together with the mailing of a copy thereof, on the same day that it is posted, to such person, if any, whose name has been filed with the departments of health or building in accordance with the provisions of Sections seventy-six and seventy-seven of this Act, Code 203, Code 418-19, at his address as therewith filed, shall be sufficient service thereof.

§ 79. **Indexing Names.**—The names and addresses filed in accordance with Sections seventy-six and seventy-seven shall be indexed by the departments of health and of building, in such a manner that all of those filed in relation to each tenement house shall be together, and readily ascertainable. The said departments shall provide the necessary books and clerical assistance for that purpose, and the expense thereof shall be paid by the city. Said indexes shall be public records, open to the public inspection during business hours.

§ 80. **Disagreements Between Departments.**—In case of any disagreement between the health and building departments with respect to the construction and enforcement of this act or any part thereof, the question shall be referred to the board of public safety for final determination.

§ 81. **Fines and Recoveries to be Paid into City Treasury.**—All fines and recoveries realized under this act shall be paid to the City Treasurer.

§ 82. **Duty of City Attorney or Corporation Counsel.**—It shall be the duty of the City Attorney or Corporation Counsel and his assistants, to render all legal service that may be required for the enforcement of any or all of the provisions of this act.

§ 83. **Laws Repealed.**—All statutes of the State and all local ordinances, so far as inconsistent with the provisions of this act, are hereby repealed.

§ 84. **When to Take Effect.**—This act shall take effect from and after its passage.

March, 1910.

ASPHALT.

AN ORDINANCE prescribing the general specifications and the manner of constructing and reconstructing public ways with asphalt pavement.

Be it ordained by the General Council of the city of Louisville:

That the following shall be the specifications and the manner of constructing and reconstructing public ways with asphalt pavement in the city of Louisville:

Sub-Grade.

§ 1. The street surface shall be worked to the grade established by the General Council, and in cross-section the sub-grade shall be shown as on the plans.

Curbing.

§ 2. Dividing the sidewalks from the carriageway, and supporting the former, there shall be laid lines of natural stone or artificial stone curbing as ordered by the Board of Public Works.

If natural stone is used the curbstones shall be six (6) inches in thickness, twenty-two (22) inches in depth, with full square joints twelve (12) inches deep. No curbstone shall be less than five (5) feet in length. Said curbstone shall be cut with a draft around the top, face and back, and the exposed top and front faces shall be neatly hammer-dressed to an even, regular surface; the upper face shall have the same bevel as the sidewalk, the front face shall be cut ten (10) inches and the back not less than three (3) inches deep. The bottom of the curbstones shall be approximately parallel with the top and shall have a firm, uniform bed. No underpinning will be allowed. The remainder of the front face shall be evenly scabbled or dressed from the bush hammer work to the bottom, to admit a close joint with the gutter pavement. Curbstones shall be of hard, sound limestone, free from flaws, dry seams and cracks. There shall be corner stones or curved curbstones at the intersections of all streets and alleys. These corner stones or curved curbstones shall be as shown on the plans, and shall be dressed to bevel with the sidewalk. the front face, back and joints to agree with the adjoining curb-

ing. All curbstones shall be laid true to line and grade. The space back of the curbing shall be filled with earth, which shall be well rammed. The joints between curbstones from four (4) inches below the top of the curbstone to the bottom shall be filled with cement mortar while the curb is being set, and for six (6) inches on either side of the joints.

If artificial stone is used, it shall be of the form and size shown on detail plans, and shall be composed of concrete, containing one (1) measure of approved Portland cement, two and one-half ($2\frac{1}{2}$) measures of clean, sharp sand and five (5) measures of clean binder stone or screened gravel, not exceeding one (1) inch in any dimension. The concrete shall be thoroughly mixed and immediately placed in forms of the size and shape of the finished curbing, and shall be well compacted by ramming with iron rammers. The front face and top of the curbstones shall have a mortar face three-fourths ($\frac{3}{4}$) inch thick, composed of one (1) part of Portland cement and one (1) part of sand, the top to be troweled smooth and level. No stone shall be less than five (5) nor more than ten (10) feet in length. At all street and alley corners, or other places where shown on the plans, the curbing shall be made as the Board of Public Works may direct and into the top outer edge of this curb shall be set a Carnegie A710 angle bar, or other suitable device, anchored to the concrete as shown on the plans. The price per lineal foot for curbing shall include payment or furnishing and placing the angle bar or other device when required. No materials shall be used in the face forms which will cause indentations in or projections on the face of the finished work.

Portland Cement.

Portland cement shall meet the following requirements: It shall be of such fineness as to leave by weight a residue of not more than eight per cent. (8 per cent.) on the number 100, and twenty-five per cent. (25 per cent.) on the number 200 sieve; it shall develop initial set in not less than thirty minutes. The minimum requirements for tensile strength for briquettes one inch square in cross section shall be as follows: The neat cement after twenty-four hours in moist air, not less than one hundred and seventy-five (175) pounds; seven days (one day in moist air and six days in water), not less than five hundred (500) pounds. When mixed, one part cement and three parts standard sand after seven days (one day in moist air and six days in water), not less than one hundred and seventy-five (175) pounds. When pats of neat

cement about three inches in diameter, one-half inch thick at the center, and tapering to a thin edge are kept in moist air for a period of twenty-four hours, they shall show no cracks or distortions when exposed to an atmosphere of steam above boiling water in a loosely-closed vessel for five hours. The cement shall not contain more than one and three-fourths ($1\frac{3}{4}$) per cent. of anhydrous sulphuric acid (S O 3).

Binder Stones.

§ 3. Binder stones shall be laid in such manner and at such places on the work as the Board of Public Works, or its agent, may direct. Binder stones shall be six (6) inches in thickness, fifteen (15) inches in depth, and shall be pointed off smooth and even on the top surface, and for three (3) inches in depth on the side next to the pavement. No binder stone shall be less than four (4) feet in length. The joints between binder stones from four (4) inches below the top of the binder stones to the bottom shall be filled with cement mortar while the concrete is being laid.

Preparation of Road Bed.

§ 4. All embankment shall be put down in layers of six (6) inches in depth, and each layer shall be thoroughly rolled before another is laid upon it. After being graded to the required section, the road-bed shall be further prepared for paving by the removal of all vegetable or mucky matter, quicksand or other objectionable material, to the depth required by the Board of Public Works or its deputy, and the material removed shall be replaced with gravel, sand or good earth filling, as directed; then the entire road-bed shall be thoroughly rolled with a roller of not less than ten (10) tons weight. No paving material shall be put down before the graded or rolled surface shall have been inspected and approved by the Board of Public Works or its agent. A roller of five (5) tons weight may be used, provided that the road-bed shall be rolled to the satisfaction of the Board of Public Works or its deputy.

Foundation for Pavement.

§ 5. Upon the road-bed thus prepared shall be laid a bed of concrete six (6) inches in thickness constructed with Portland cement, sand and broken stone or a mixture of half and half broken stone and gravel.

Sand.

The sand in the concrete must be clean and sharp, and shall not contain more than five (5) per cent. of clay or loam when tested by shaking with water, and must be free from all vegetable matter.

Stone.

The stone for the concrete shall be clean, hard, broken stratified limestone, free from dust and particles that have been weathered or other soft material. It shall all pass through a two and one-half ($2\frac{1}{2}$) inch screen in its largest dimension. When stone is used alone, it shall be graded in sizes from coarse to fine. When it is to be used mixed with gravel, it shall contain no particles smaller than one-half ($\frac{1}{2}$) inch in size.

Gravel.

The gravel must be clean and free from all vegetable matter and shall not be larger than one (1) inch in its largest dimension.

Concrete.

The concrete shall consist of one part cement, three parts sand and seven parts of stone, or a mixture of crushed stone and gravel, half and half, may be used in place of stone alone at the discretion of the Board of Public Works.

Mixing.

The sand and cement shall be thoroughly mixed dry in the proportions by volume of one (1) of cement and three (3) of sand, and then made into a mortar by the addition of water. To this mortar will be added seven (7) measures of wet broken stone or broken stone and gravel and the whole thoroughly and carefully mixed by hand or machinery, until it is entirely uniform.

Gutter Paving.

§ 6. The gutters may be paved with asphalt or vitrified block as prescribed by the Board of Public Works. If vitrified block gutters are prescribed, they shall be constructed as follows:

On the foundation described in Section 5, a bed of clean sand shall be laid. The sand shall be clean and shall be free from foreign or loamy matter. It need not necessarily be sharp. The sand cushion shall be two inches deep before the compression of the blocks by tamping.

Blocks.

The blocks shall all be hauled and neatly piled within the curb line before the grading is finished, or if allowed by the Chief Engineer, delivered in wagons, and carried from the pile or wagon on pallets—not wheeled with barrows. In hauling from cars no throwing or dumping will be allowed. The blocks shall be first-class and thoroughly vitrified, showing at least one fairly straight face; if the edges are rounded the radius shall not be greater than 3-16 of an inch. They shall not be less than $2\frac{1}{4} \times 4 \times 8$ inches, nor more than $3\frac{1}{2} \times 4 \times 9\frac{1}{2}$ inches, free from cracks, with but slight lamination, and at least one face with but slight kiln marks allowed. The blocks shall be subject to the standard rattling test as prescribed by the National Brick Manufacturers' Association. When subjected to this test they shall show a loss of not more than eighteen (18) per cent. in weight.

Laying Vitrified Blocks.

§ 7. Blocks shall be laid at a right angle to the curb, or as the Chief Engineer may direct, and the line of course of blocks shall be kept straight. No parts of blocks shall be used in the pavement except at the beginning or ending of courses. The blocks shall be laid with the best faces exposed, as near in contact as possible; they must be closely inspected before laying and also after laying and after ramming. All soft blocks, and those badly spawled or ill-shapen, shall be removed and replaced with perfect ones. The kiln marked blocks may be turned over, and if the reverse face is smooth and no other faults be found, they may remain in the pavement.

Tamping.

After the blocks in the gutter pavement are inspected and the surface is swept clean of spawls, the pavement shall be well tamped with a hand wood tamper to the proper gutter grade.

The Filler.

The filler shall be composed of one part of clean sand and one part of Portland cement, the sand being dried before mixing. The mixture not exceeding one-third (1-3) bushel of sand and a like amount of cement, shall be placed in a box and mixed dry until the mass assumes an even and unbroken shade. Then the water shall be added, forming a liquid mixture of the consistency of thin cream.

From the time the water is added until the last particle of the filler is removed and floated into the joints of the block pavement, the mixture shall be kept in constant motion.

The mixture shall be removed from the box to the surface of the pavement with a scoop shovel, being constantly stirred in the box as the same is being emptied. The box for this purpose shall be $3\frac{1}{2} \times 4$ feet long, 27 to 30 inches wide and 14 inches deep, resting on legs of different lengths, so that the mixture will readily flow to the lower corner of the box, which should be from 8 to 10 inches above the pavement. This mixture, from the moment it touches the blocks, shall be thoroughly swept into the joints.

The work of filling shall be carried forward in line until an advance of fifteen or twenty yards has been made, when the same force and appliances shall be turned back and cover the same space in like manner, except to make the proportions two-thirds (2-3) cement and one-third (1-3) sand.

To avoid the possibility of thickening at any point, the surface ahead of the sweepers shall be sprinkled gently with a sprinkling can, with the head perforated with small holes.

Within one-half to three-quarters of an hour after this last coat is applied and the grout between the joints has fully subsided and the initial set is taking place, the whole surface shall be slightly sprinkled with water and all surplus mixture left on the tops of the blocks swept into the joints, bringing them up flush and full.

After the joints are thus filled flush with the top of the blocks and sufficient time for evaporation has taken place, so that the coating of sand will not absorb any moisture from the cement mixture, one-half ($\frac{1}{2}$) inch of sand shall be spread over the whole surface, and in case the work is subjected to a hot summer sun, an occasional sprinkling, sufficient to dampen the sand, shall be applied for two or three days.

Grouting thus finished shall remain absolutely free from disturbance or traffic of any kind for a period of ten days. The cement for filler shall be the best Portland cement, ap-

proved by the Chief Engineer, and shall be delivered upon the work in original packages marked with the name of the manufacturer.

Sheet Asphalt Pavement.

§ 8. The pavement proper shall consist of a binder course one (1) inch in thickness when compressed, and a wearing surface of asphalt of one and one-half ($1\frac{1}{2}$) inches thick when compressed.

Binder Course.

Stone: The binder shall be composed of suitable clean broken stone passing a one and one-quarter ($1\frac{1}{4}$) inch screen, not more than five per cent. (5 per cent.) of which shall pass a No. 10 screen.

Asphaltic Cement: The stone shall be heated in suitable appliances to a temperature not higher than 300 degrees F. and then thoroughly mixed by machinery with asphaltic cement equivalent in composition to that hereinafter set forth, in such proportions as will cover the stone with a glossy coat and without any excess of asphaltic cement.

Laying: The binder must be hauled to the work and spread while hot upon the foundation to such thickness that, after being immediately compacted by rolling, its average depth shall be one (1) inch and its upper surface shall be approximately parallel to the surface of the pavement to be laid. Upon this binder course shall be laid the wearing surface.

No traffic, except such as may be required in depositing the surface mixture, or in otherwise prosecuting the work, shall be allowed on the binder course.

Sheet Asphalt Wearing Surface.

§ 9. The pavement mixture for the wearing surface shall be composed of:

- (a) Asphaltic cement (refined asphalt and flux).
- (b) Sand of satisfactory grading and grain.
- (c) Filler, consisting of finely powdered mineral matter.

Asphaltic Cement: The asphaltic cement shall be composed of refined asphalt and flux of such character that the bitumen, without regard to the mineral matter present, shall be a homogeneous solution.

Asphalt: The term "asphalt" shall be construed to signify any solid natural mineral bitumen, either pure or asso-

ciated with mineral matter, as a type of which Trinidad Lake asphalt shall be regarded as the standard, or any other solid bitumen of natural origin having the properties and characteristics hereinafter named and described which has been satisfactorily used in the construction of sheet asphalt pavements.

Refined asphalt: Where necessary the refined asphalt shall be obtained by refining the natural material until the product is homogeneous and free from water. It must contain not less than fifty-six (56) per cent. of bitumen soluble in carbon disulphide, and of the bitumen thus soluble not less than sixty-eight (68) per cent. shall be soluble in Pennsylvania petroleum naphtha, having a specific gravity of .65 at 77 degrees Fahrenheit; or, if it does not contain this amount of bitumen soluble in naphtha, but is satisfactory in other respects, the deficiency may be supplied by the use of such a flux, satisfactory to the municipality, as to bring it to the required standard, but in no event shall flux of any kind be used in excess of twenty-two (22) per cent. of the weight of the refined natural asphalt.

The bitumen which it contains shall yield upon ignition not more than fifteen (15) per cent. of fixed carbon, as determined by the method recommended by the committee of the American Chemical Society.

Asphalt prepared by distillation of asphaltic petroleum shall be of a consistency before fluxing such that a No. 2 needle-weighted with 100 grams shall penetrate at least four (4) millimeters at 77 F. Of the bitumen which such asphalts contain which is soluble in carbon disulphide not more than one and one-half (1½) per cent. shall be insoluble in carbon tetrachloride.

Flux: A heavy petroleum of flux used in the manufacture of the asphaltic cement shall be a petroleum from which the lighter oils have been removed by distillation, without cracking, until it has a specific gravity of from fifteen (15) to twenty (20) degrees Beaume; and shall have the following characteristics:

- (a) Flash test not less than 325 degrees Fahrenheit.
- (b) No appreciable amount of light oils or volatile matter at temperatures under 250 degrees Fahrenheit.
- (c) Not more than eight (8) per cent. volatile at 325 degrees Fahrenheit in seven hours, when twenty (20) grams are heated in an open cylindrical dish about two and one-half (2½) inches in diameter and about one and one-half (1½) inches high in an oven, the temperature of which is

noted by a thermometer, the bulk of which is immersed in a similar dish of oil, alongside that which is being tested.

Asphaltic Cement: The asphaltic cement shall be prepared by fluxing refined asphalt with a heavy petroleum oil complying with the specifications mentioned above, at a temperature of about 325 degrees Fahrenheit, using such proportions not, however, in excess of twenty-two (22) parts of flux, to one hundred (100) parts of refined natural asphalt as will produce a cementing material having the following properties:

(a) A briquette of the pure bitumen of forty (40) penetration at seventy-seven degrees Fahrenheit, having a minimum cross-section of one square centimeter, must have a sufficient ductility to stretch to a distance of not less than ten (10) centimeters before breaking when tested at seventy-seven (77) degrees Fahrenheit.

(b) The proportion of the total bitumen in the cement which is soluble in Pennsylvania petroleum naphtha of .65 gravity shall not exceed seventy-eight (78) per cent. nor fall below sixty-four (64) per cent.

(c) A No. 2 needle weighted with 100 grams shall penetrate in five seconds at 77 degrees Fahrenheit a distance of three (3) to nine (9) millimeters.

(d) When twenty (20) grams are heated in a receptacle about two and one-half ($2\frac{1}{2}$) inches in diameter and about two (2) inches high for seven (7) hours in an oven maintained at a uniform temperature of about 325 degrees Fahrenheit, as determined by a thermometer, the bulb of which is immersed in a similar receptacle filled with oil, it shall not lose more than four (4) per cent. Its flash point, as determined in a New York State closed oil tester, shall not be less than 350 degrees Fahrenheit.

(e) Ninety-five (95) per cent. shall be soluble in carbon disulphide at air temperature, and not more than one and a half ($1\frac{1}{2}$) per cent. of the bitumen shall be less soluble in carbon tetrachloride than in carbon disulphide, the test for the former being conducted by submitting the bitumen to the action of the tetrachloride for twenty-four (24) hours before filtration.

The flux shall be added to the melted refined asphalt, and the entire mass shall be agitated by an air blast or other suitable appliance until the resulting cement is homogeneous. It must never be heated to a temperature exceeding 350 degrees Fahrenheit.

Sand: The sand shall consist of hard grains, not necessarily sharp, but not containing more than one (1) per cent.

of clay or loam. On sifting the entire amount shall pass a ten (10) mesh screen, at least fifteen (15) per cent. shall pass an eighty (80) mesh screen, and seven (7) per cent. a one hundred (100) mesh screen.

Filler: The filler shall consist of ground limestone or any other mineral matter of sufficient density to produce a powder having a volume weight of at least ninety (90) pounds to the cubic foot. It shall be so fine that at least sixty-six (66) per cent. shall pass a two-hundred (200) mesh screen, and all of it shall pass a fifty (50) mesh screen, while, when thoroughly agitated with distilled water at a temperature of sixty-eight (68) degrees Fahrenheit, by means of an air blast, avoiding cyclonic effects, not more than forty per cent. (40 per cent.) shall subside on standing for fifteen (15) seconds.

Combining Materials: The materials complying with the above specifications shall be mixed in proportions by weight, depending upon their character. The percentage of the matter soluble in carbon disulphide in any pavement mixture shall be not less than 9.5 nor more than 12.0 per cent.

The sand and the asphalt cement shall be heated separately to such temperatures that the finished mixture shall, depending on the asphalt in use, have a temperature of from 290 degrees to 330 degrees Fahrenheit. The filler shall be mixed, while cold, with the hot sand. The asphaltic cement will then be mixed with the sand and stone dust at the required temperature, and in the proper proportion, in a suitable apparatus, so as to effect a thoroughly homogeneous mixture.

Laying the Pavement: The above mixture shall be hauled to the street in trucks properly protected from radiation by tarpaulins at a temperature not less than 250 degrees Fahrenheit, and spread upon the binder to such a depth as will insure an average thickness of one and one-half inches after compression by rolling. This compression will be attained by first smoothing the surface with a hand roller or light steam roller, after which hydraulic cement or stone dust shall be swept over it, when the rolling shall be continued with a steam roller of not less than ten (10) tons until the surface is properly compacted.

Wearing Surface of Asphalt Cement, Rock Asphalt and Filler.

§ 10. Asphalt Cement: The asphalt cement must be manufactured from such materials as are described in the specifica-

tions above, or other suitable asphalt flux. It must have a penetration between thirty (30) and fifty (50) when tested at seventy-seven (77) degrees D. (Dow Machine).

The asphalt must never be heated to a temperature above three hundred and fifty (350) degrees F. after it has been brought to the proper consistency for paving. When this asphalt cement is in a molten condition, it must be thoroughly agitated before drawing from storage, and while in use in the supply kettles, so as to insure a uniform cement.

Rock Asphalt: The rock asphalt must be ground so that its mineral aggregate after being freed from the bitumen shall all pass a 6-mesh screen.

Filler: The filler used in this wearing surface shall be the same as already specified in Section 9. The paving mixture shall contain from five (5) to fifteen (15) per cent. of this filler, depending upon the kind of rock asphalt cement used and the traffic conditions upon the street upon which it is to be laid.

The material complying with the above specifications shall be mixed in such proportions by weight that the resulting mixture will contain between nine and one-half ($9\frac{1}{2}$) and twelve and one-half ($12\frac{1}{2}$) per cent. bitumen, soluble in carbon disulphide. The bitumen extracted from this mixture shall comply with the following requirements:

(1) It must be of such character that when brought to a cement of ten (10) penetration at thirty-two (32) degrees F. it will not show a penetration of more than four hundred (400) at one hundred and fifteen (115) degrees F.

(2) When the pure bitumen of the asphalt cement is made into a briquette having a cross section of one square centimeter, it must stretch to a distance of thirty (30) centimeters or over without breaking, when tested for ductility at seventy-seven (77) degrees F.

(3) When the asphalt cement is heated in an open tin at a temperature of three hundred (300) degrees F. for eighteen (18) hours, in a hot-air oven, it must not show a loss by volatilization of over five (5) per cent.

The ground asphalt rock and asphalt cement shall be heated separately to a temperature of never over two hundred and fifty (250) degrees F. The filler shall be added while cold to the asphalt rock, in the required proportions, and the two thoroughly mixed, or the filler may be added to the ground asphalt rock before the ground asphalt rock is heated to two hundred and fifty (250) degrees F. as required. The asphalt cement, at the required temperature, and in the proper pro-

portions, shall then be added, and the mixing continued in a suitable apparatus until the homogeneous mixture is procured.

Samples of all the materials entering into the composition of the pavement shall be supplied to the Engineer or his representatives, in suitable tin boxes or cans, and he shall have access to all branches of the work at any time.

The paving mixture prepared in the manner above described shall be brought to the street in carts at a temperature between two hundred and twenty-five (225) and three hundred and twenty-five (325) degrees F., and if the temperature of the air is less than sixty (60) degrees F., the contractor must provide canvas covers for use in transit. It shall at once be properly spread by means of hot iron rakes, in such a manner as to give a uniform and regular grade, so that, after receiving its final compression by rolling, it will have a thickness of not less than one and one-half inches (if laid without binder, two and one-half ($2\frac{1}{2}$) inches). The surface shall then be compressed by rolling with light rollers and tamping, after which a small amount of cement shall be swept over it, and it then shall be thoroughly compressed by a steam roller weighing not less than ten (10) tons, the rolling being continued for not less than five hours for every thousand square yards of surface.

Binder Course.

§ 11. The binder course provided for in Section 8 may be omitted under the following conditions: That all clauses of these specifications shall be in full force for all conditions of construction other than the quantity of wearing surface to be used, which surface, after having received its ultimate compression, shall be not less than two and one-half ($2\frac{1}{2}$) inches in thickness, to be tested as set forth in Sections 9 and 10. The contractor shall, before signing his contract, elect whether a binder shall or shall not be used. This election shall be signified in writing to the Board of Public Works, and shall be specified in the contract, before the same is signed.

Street Railways.

§ 12. When on any street to be improved there is a street railway track or tracks, the rails, ties, stringers and other material or property of the railway company shall be taken up by and at the cost of said company. When the sub-grade is completed, the rails, ties, stringers, etc., shall be put in place to conform to the lines and grades of the street section, as

shown on the plans in the office of the Board of Public Works. All labor and construction pertaining to the street railway shall be at the cost of the railway company. A street railway company, after obtaining the privilege of constructing a railway track or tracks on any street, by resolution or ordinance from the General Council, or by legislative enactment, shall construct its track or tracks, during the construction of said street, according to plans on file in the office of the Board of Public Works, at the cost of said railway company, as set forth in this section.

Paving on Streets with Railway Tracks.

§ 13. In streets with a street railway track or tracks, the additional grading necessary to bed the cross-ties shall be done as shown on the plans. Unless such kind of rail is used as will permit the omission of granite blocks—in which case the asphaltum shall be laid close to the edge of the rail, making a close joint therewith—there shall be granite blocks, thoroughly bedded in concrete, along the side of the rails, as shown on the plans. The granite blocks shall be of uniform grain and texture, without lamination or stratification, and free from excess of mica and feldspar. The blocks shall be of the following dimensions, viz: In length not more than nine (9) nor less than five (5) inches, in width not more than four and one-half ($4\frac{1}{2}$) not less than three and one-half ($3\frac{1}{2}$) inches, in depth not more than six and one-half ($6\frac{1}{2}$) nor less than six (6) inches. They shall be dressed to present rectangular faces, with straight edges. The sides and ends of the blocks shall be dressed so as to make close-fitting joints; and, furthermore, the sides and ends shall be so dressed that any side or end may be laid or used for a top or wearing surface. All blocks having projections or knobs exceeding a half inch shall be rejected.

Tools and Samples of Materials.

§ 14. The contractor shall furnish and keep on the line of work, at all times, a complete and sufficient plant of tools, rollers, carts, etc., as may be deemed necessary by the Board of Public Works, or its agent, to carry on the work in an expeditious workmanlike manner; shall also furnish properly-labeled samples of the crude asphalt to be used in the work; also samples of the wearing surface as prepared for use, and a statement of the amount of each material used in making

up the pavement mixtures, when called for by the Board of Public Works.

Material and Inspection.

§ 15. All material herein specified shall be of the best description, each in its class. All asphalt, bituminous rock, stone, blocks, sand gravel, or other material, which may be rejected on inspection, shall be removed by the contractor without delay; and all broken stone used in paving shall be broken and prepared for inspection before delivery on the work.

§ 16. The contractor shall prosecute his work in a prompt and orderly manner, and, when required by the Board of Public Works, shall discharge incompetent employes or workmen.

§ 17. Should the contractor fail to execute the work in the time stipulated, he shall forfeit his contract and be entitled to no pay for the work done. The time fixed for the completion of the work may be extended by the Board of Public Works for causes deemed sufficient.

§ 18. Inspection of the work during its progress shall be made by the Board of Public Works or its authorized deputy, and if the contractor does not perform his work according to these specifications, the Board of Public Works may suspend the work at once and report the reason for said suspension to the Mayor and the General Council.

Sec. 19. The contractor shall guarantee the faithful performance of the work done under his contract, according to these specifications, and that the materials used in the construction of the same are free from defects or flaws, and said guarantee shall be for a period of five (5) years from and after the acceptance of the work by the Board of Public Works, but said guarantee shall not include natural wear and tear, nor shall the contractor be required to do any repairs made necessary by any cause or causes other than defective work in the construction of the improvement.

After acceptance of the work by the Board of Public Works, the contractor shall, to protect the city against defective work or materials, deposit with the City Treasurer bonds of the city of Louisville, or of the United States, amounting in the aggregate to ten (10) per cent. of the contract cost of the completed work. Should any defect in the work or materials become apparent during the said guarantee period, the contractor shall be notified in writing by the Board of

Public Works of such defect, and shall remedy same, and shall begin work within three (3) days after service of such notice, and shall prosecute such work to completion with all due diligence. Should the contractor fail or refuse to begin said remedying of said defective work or materials within three days after the service of said notice, the Board of Public Works may have said defects remedied and charge the cost of same to the contractor; and to pay said cost the said board may sell for cash as many of said bonds as may be necessary, said sale to be at public auction, at such time and place as said board may order, notice of said sale to be given by one publication in the papers doing the public printing and advertising. At the end of said guarantee period the unexpended balance of said bonds and accrued interest, if any, shall be held subject to the order of the contractor.

The said board shall be the exclusive judge of the existence of defects in the work or materials herein mentioned, and the extent of the work necessary to remedy the same; and the appointment of inspectors or supervisors by said board for the supervision of the work, to insure that the work and materials are in accordance with the plans and specifications, and with the contract therefor, and the supervision thereof by said inspectors or supervisors shall in no wise relieve the contractor from any obligation under his contract.

The contractor and his sureties shall enter into a written contract with the city, covenanting that they will pay all damages for injuries to or encroachments upon the private property of abutting lot owners, or other persons, in constructing the improvements herein mentioned, and will save the city harmless from all loss or damage on that account; and that the contractor and his sureties shall, in no event, be released from such liability unless the injury to private property shall have been done by the contractor under and in pursuance of the express written order of said board.

The contractor shall, at all times, furnish and maintain upon and around said work and all material on the line of said work, sufficient barricades and red lights to protect the public and the work from injury, and shall, when directed by the Board of Public Works, or its agents, employ and keep upon the line of work a watchman or watchmen.

§ 20. All work mentioned in these specifications and pertaining to the contract shall be done according to the plans on file in the office of the Board of Public Works.

§ 21. Immediately before commencing any piece of work under these specifications, the contractor shall notify the Chief Engineer of the fact.

§ 22. Where the Board of Public Works is mentioned herein, the Board of Public Works or its agent is meant.

§ 23. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

§ 24. This ordinance shall take effect from and after its passage and publication.

Approved February 14, 1910.

INDEX TO GENERAL ORDINANCES.

	PAGE
Advertising	16
Advertising matter prohibited	235
Advertising of delinquent tax bills	554
Advertisements concerning secret diseases prohibited	395
Aldermen—list of	11
Aldermen—rules of	826
Ambulances—right of way	17, 460
Animals—cruelty to	17
dead	18
removal of	18
Annexation ordinances	21-27
Apportionment warrants	28
Appropriation ordinances	480-524
Appropriation for Eruptive Hospital	527
Fire Department	527
Ohio Valley Improvement Association	525
paving public wharves	526
street cleaning	527
tenement house investigation	528
University of Louisville	524
Asphalt pavements—specifications for	401-415
Asphalt pavements—specifications for (new ordinance)	896-911
Asphalt streets—regulating use of	422
Assessment ordinances	528-538
Assessment—retrospective	539
Assessor—duties as to assessment by State Railroad Com- mission	29
deputies	30
Auctioneers—bond of	31
Auditor—duties of	32
Auditor's Clerk	33
Automobile—license of chauffeurs	36
regulations	34
Awnings	38
Bathing	38
Bells on railroads—to be rung	458
Bells—ringing of regulated	39
Bicycles—regulation of	39
Births—certificates of	39
Blank cartridges	41
Board of Equalization—compensation	42
Board of Safety—departments and salaries	42
Board of Works—departments and salaries	51
Bond issue—park property	55
sewer construction	55, 57
Bond—required of junk dealers	311
required of junk merchants	313
required of liquor dealers	74
required of public officers	366
required of second-hand dealers	467

	PAGE
Bonds—premiums—for public officials	73
refunding	60, 62, 64, 67, 69
Water Company bonds exempt from taxation	73
Boundaries—reduction of	75, 77
of Wards	590
Brick—test of	427
Bridges—penalty for defacing	399
Building Code	80-205

A

	SEC.
AISLES—	
In moving picture theaters	214
Must be kept open	184
Width of, in theaters	206
Width of, in theaters without fly gallery	212
ALCOVES—	
Recesses for	54
ANCHORS—	
Beams to Girders	73
Beams to walls	72
Chimney	60
For veneering material	173-176
Of columns	116
Pier	74
APARTMENT HOUSES AND TENEMENT HOUSES—	
Area of vent shafts in	235
Basements and cellars in	237
Bottom of shafts, courts, areas, etc., in	236
Cellar stairs, location and construction of	216
Chimneys and fireplaces of	234
Closets prohibited under staircases	218
Definition of	21
Existing buildings, remodeling of	232
Fire escapes in	153-239
Fireproof if over three stories high	215
Hallway inclosures and staircases	217
Inner courts of	221
In rear of lot	223
Lighting and ventilation of rooms	225
Lights in public hallways	233
Open courts of	221
Other buildings on same lot	224
Outer and inner courts may start from second floor level	222
Percentage of lot occupied	219
Privacy	231
Public hallways, windows required	229
Sizes of rooms	228
Watercloset accommodations	238
Windows and stair hallways	230
Windows in bathrooms, etc.	227
Windows in rooms	226
Yards of	220

Building Code—(Continued).	SEC.
ARCHES—	
How built	50
Trimmer, how built	65
ASHLAR—	
Anchorage	39
Height of	39
Minimum thickness	39
Mortar for	39
ASSEMBLY HALLS—	
Cannot be over thirty feet above side-walk unless fireproof	213
B	
BALCONY—	
Of fire escapes	155
Projection over public ways	82
Width of exit balconies, theaters	192
BASEBALL PARKS—	
Bill boards or fences around	137
Stands, requirements for	213
BASEMENT—	
Defined	40
Elevators	172
Floors for	58
Height of	40
Of non-fireproof buildings	147-a
Sprinkler pipes in	152
Stairways from	85
Walls of, in apartment houses	237
BAY, ORIEL, SHOW WINDOWS AND BALCONIES—	
Construction of	82
Projection over public ways	82
BEAMS—	
Anchors	72
Bearing of wood	70
Concrete T beams, reinforced	129
Cross bridging of	71
Distance from flues or boilers	75
Floor and roof, regulations for	121
Incasing exposed sides of	145
Reinforced concrete beams and slabs..	128
Safe load on wood	113
Spacing of floor	77
Straps for	73
Thickness of header and trimmer	76
BEARING WALLS—	
Defined	38
In fireproof buildings	44
Over twenty-five feet apart, increased thickness	44
With openings	38
BILL BOARDS—	
Regulations for	137

Building Code—(Continued).	SEC.
BOILER—	
Distance from combustible partitions...	89
Distance from dry cleaning establishment	178
How supported	89
Inside of flues for boilers	62
Location of, in theaters	208
Room in garages	180
Smoke pipes for	67
BOLTS—	
Connections for	122
In trusses	123
BOND—	
Flemish	38
To be filed with Board of Public Safety.	11
BRICK—	
Brick and masonry work	38
Cellar partitions, thickness	57
Face brick of different thickness from backing	38
Partitions, limiting height and length ..	56
Pressure on	108
Quality	22
Soft brick not allowed in cellar	22
BUILDINGS—	
Definitions of various buildings	21
Division walls separating rows of	177
Dumb elevators in fireproof	171
Existing apartment houses, remodeling of	232
For storage of oils must be fireproof ..	182
Foundation walls of frame	173
Height of cellar and basement	40
Height of, defined	40
Height of stories	41
Inclosure walls for skeleton	47
In dwelling house class	42
In warehouse class	43
Maximum height outside of fire limits	40
Miscellaneous buildings	240
On rear of lot used as residence ..	223-175
On same lot with tenement houses, regulations for	224
Over seventy-five feet high must be equipped with standpipes	148
Over eighty-five feet high must be fire- proof	147-a
Public—classification of	183
Skeleton constructed buildings	116
Smoke houses	241
That must be fireproof	147-a
Thickness of bearing walls of dwelling house class	42
Thickness of bearing walls of warehouse class	43
To be examined	4
Unlimited walls defined	44

Building Code—(Continued).	SEC.
Unsafe buildings	4
Veneered, height, etc.	176
Walls for public buildings	45
Walls of fireproof buildings	139
BULKHEADS, PENT HOUSES AND SCUTTLES—	
Construction of	94
C	
CELLAR—	
Defined	40
Floors of	58
Floors of, in apartment houses	237
Height of	40
Or basement in apartment houses	237
Partition walls	57
Stairs in apartment houses	216
Stud partitions, when used	57
Walls of frame buildings	173
CEMENTS—	
Bricklayer's, definition of	22
Certificate of inspection	23
Tests	23
CERTIFICATE OF INSPECTION—	
For Cements	23
For elevators	163
CHASES—	
Aggregate area for	54
In walls	53
Regulations for	54
CHIMNEYS—	
Anchors	60
Flues of	63
Height above roof	63
Material composing	60
Mortar	63
Of apartment houses	234
Of cupolas	61
Outside metal flues	62
Peers supporting	60
Thickness of walls	62
Thickness of walls, cottages	63
Tops of	60
When to be covered with netting ..	60
CINDERS—	
Prohibited in reinforced concrete work	126
COLUMNS—	
Allowable stress in wood	112
Allowable stress, steel and cast iron..	112
Bearing strength of	103
Cast iron, regulations for	118
Eccentrically loaded	112
For party walls	119
Foundations for iron or steel	116
Incasing interior columns, fireproof...	116-144

Building Code—(Continued).	SEC.
Incasing interior columns, non-fireproof	146
Incasing of	116
Least dimensions	21
Reduction of live load of	104
Reinforced concrete, requirements for..	128
Shoes for columns	117-118
Steel and wrought iron, regulations for	117
Steel lattice bars for columns	116
Stone posts under interior, prohibited..	38
Strength of temporary supports	106
COLUMNS AND PLATES—	
Regulations for	79
CONCRETE—	
Around top of piles	34
Beams and slabs of reinforced	128
Blocks, regulations for	134
Columns of reinforced	128
Design of reinforced concrete member..	131
Drawings of reinforced work submitted	125
For foundation, component parts of ...	24
Forms	127
Material of reinforced	126
Quality of material	24
T beams	129
Thickness of footing course, if concrete	36
Variation in design	133
Working stresses, reinforced	132
CORNICES AND GUTTERS—	
Construction of	95
Of buildings three or more stories high	147-a
Unsafe, to be removed	95
CORRIDORS—	
Fireproof	191
Minimum width	188
COURTS—	
Depth of, below floor level	236
May start at second floor level	222
Must be Fireproof	191
Must be unobstructed in apartment houses	221
Size of inner, for apartment houses ...	221
Size of outer, for apartment houses ...	221
Theaters must have open	190
CROSS BRIDGING—	
For floor beams	71
CURTAINS—	
Distance from footlights	199
Regulations for, theaters	199
D	
DEFINITIONS—	
Apartment houses	21
Club house	21

Building Code—(Continued).	SEC.
Fireproof buildings	21
Frame buildings	21
Garages, public and private	21
Hotels	21
Incombustible material	21
Iron-clad buildings	21
Mill construction	21
Office buildings	21
Ordinary masonry buildings	21
Private dwellings	21
Slow burning buildings	21
Tenement houses	21
Veneered buildings	21
Warehouse	21
DEMOLISHING AND MOVING BUILDINGS—	
Application for permit	16
Remodeling buildings in fire limits....	19
Removing rubbish	17
Temporary and detached structures ...	20
DRY-CLEANING ESTABLISHMENTS—	
Regulations for	178
Steam pipes in	151
DRYING ROOM—	
Fireproof construction	91
Regulations for, etc.	178
DUCTS—	
For pipes	80
For ventilation	69-a
Material and thickness in fireproof build- ings	69-a
Vent, in public schools	69-b
DUMB WAITERS—	
Regulations for	171

E

ELEVATORS—	
Automatic passenger, where used	172
Basement and sidewalk elevators	172
Cable, head room and brakes	170
Capacity of passenger	172
Care of elevators	163
Cars	168
Certificate of inspection	163
Coal, sand and gravel, location of	240
Dumb waiters	171
Enclosures for	21-164
Magnetic controlled	169
Openings in elevator shafts	165
Penalty for operating without certificate	163
Pent houses	94-166
Permit for erection of	163
Plans for	12

Building Code—(Continued).	SEC.
Power of Inspector of Buildings regarding	172
Records of inspection	163
Riding on freight elevator prohibited ..	172
Screens	167
Speed of passenger elevators	170
Unlawful to run without inspection ...	163
ENTRANCES—	
For theaters	187
Width of	188
EXCAVATIONS—	
Over ten feet deep	29
Penalty on failure to protect walls	29
Plans to show character of soil	28
Retaining walls for, by whom built...	30
To be guarded	28
EXITS—	
Emergency, regulations for	192
For moving picture theaters	214
Lights in theaters	211
Width of	188
EYE BARS—	
Regulations for	123
F	
FIRE APPLIANCES—	
Extinguishers in garages	180
Hose connection	149
In moving picture theaters	214
In theaters	209-210
Sprinkler pipes in cellars	152
Standpipes, regulations for	148
Steamer connection	150
Steam pipes in dry cleaning establishments	151
FIRE ESCAPES—	
Balconies	154
Brackets	155
Drop ladders	159
Floor of balconies	156
In apartment or tenement houses	239
Inside stairways	161
Other forms of	162
Painting	160
Plans for	12
Railing	157
Stairways	158
Where erected	153
FIRE LIMITS—	
Description of	147-b
No frame or iron-clad building allowed in	147-a
Remodeling frame buildings in	19
Sheds may be erected in	20

Building Code—(Continued).	SEC.
FIREPLACES—	
Of apartment houses	234
Regulations for	64
FIREPROOF CONSTRUCTION—	
Buildings which must be of	147-a
Definition of	21
Division walls to be of	177
Elevator enclosures in fireproof build- ings	164
Floor filling between beams	143
Incasing girders and beams	145
Incasing interior columns	144
Of apartment and tenement houses	147-a-215
Rolling metal shutters	142
Shutters and doors	140
Shutters to open from outside	142
Stairs and stair halls	139
FIREPROOF CONSTRUCTION—	
Theaters	203
Walls, floors, roofs and partitions	139
When buildings are considered	147-a
Window frames and wire glass	141
FIRE WALLS—	
Of smoke houses	241
Thickness and height	51
FLOOR—	
Beams to be beveled	70
Cement floors in dry cleaning establish- ments	178
Construction, tests of	143
Fireproof filling between beams of	143
Floor and roof beams	121
For cellars and stories	58
Loads on	100
Load to be distributed	105
Of fireproof buildings	139
Of moving picture theaters	214
Registers prohibited in aisles	208
Slabs, reinforced concrete	130
Spacing of joists	77
Strength of existing floors to be calcu- lated	102
FLOOR LIGHTS—	
Construction of	88
FLUES—	
Beams near	75
Lining of	63
Metal	62
Size, of minimum	63
Thickness of walls	63
Vent flues, construction of	69-a
Walls of high pressure boiler flues	62

Building Code—(Continued).	SEC.
FLY GALLERY—	
Construction of, theaters	202
Theaters without, regulations for	212
FOOTINGS—	
Pressure under foundations	32
FORMS—	
Of concrete	127
FOUNDATIONS—	
Base course	36
Concrete for	24
Concrete pile	35
Depth of	33
Footing for, how computed	32
For stud partitions in cellar	57
Grillage in	37
Headers in	36
Material and thickness	36
Mortar for	36-39
Of fireproof buildings	139
Of frame buildings	173
Of iron and steel columns	116
Ventilators in foundation walls	173
Wood piles, number and spacing	34
FOYER—	
Regulations for in theaters	207
FRAME BUILDINGS—	
Buildings on rear of lot	175
Cellar walls of	173
Damaged fifty per cent not to be repaired in fire limits	19
Definition of	21
Dividing walls of row of buildings	177
Foundations of, depth, thickness, etc. ..	173
Framing of	173
Inside walls may be nine inches thick ..	173
Material and construction	173
Not to be erected in fire limits	147-a
On rear of lot used as residence	175
Raising of	18
Remodeling of frame buildings in fire limits	19
Row of frame buildings	177
Spacing of	174
Veneered building, height and fastening	176
FURNACES—	
Flooring under	89
Registers over	89
Regulations for	90
Warm air	90
G	
GARAGES—	
Definition of	21

Building Code—(Continued).	SEC.
Existing public garages must be made slow burning	179
Fire extinguishers	180
Heating and lighting in	180
Public garages must be fireproof ...	147-a-179
Storage and handling of volatile sub- stances	181
GAS—	
Flues	69-c
Stoves, location	92
GIRDERS—	
How anchored	73
How supported	21
Incasing of	116-145
Over proscenium wall, theaters	198
Painting of	124
GRILLAGE—	
In foundations	37
GUTTERS—	
Construction of	95

H

HALLS—	
Exit lights in	211
Located thirty feet above sidewalk	213
Location of hall seating over 500	213
HEADERS—	
Beams, distance from chimney breasts	75
In brick walls	38
In stone walls	36
Thickness of header and trimmer beams	76
Width of	36
HEIGHT—	
Increasing height of old walls	48
Of buildings, how measured	40
Of cellars and basements	40
Of isolated piers	38
Of non-fireproof buildings	40
Of stories	41
HOT AIR FLUES, PIPES AND VENT DUCTS—	
Regulations for	66
HOT AIR PIPES—	
Cellar, to be incased	90
Construction of	68
Distance from studding	68
Horizontal pipes	68
In closets	68
Inspection before covering	68
Regulation of	66-68
HOT WATER PIPES—	
Protection through floors of	69-c
Regulations for	69-c

Building Code—(Continued).

SEC.

I

INFLAMMABLES—

Buildings for, must be fireproof	182
Storage of	182
Storage of, in connection with garages..	181

INSPECTOR OF BUILDINGS—

Appeal to Board of Public Safety	3
Appointment of	1
Authority to demolish buildings	4
Authority to enter buildings	5-102
Duties of	2
Examine all buildings	4
Inspect schools, public halls, churches, theaters, etc.	9
Notices regarding unsafe buildings	4
Notified of installation of heating appa- ratus	93
Owner liable to fine	4
Powers of Inspector or Assistant	2
Powers of, in theaters	185
Power of, in theaters and public build- ings	9
Revocation of permit	6
Suspension of work	5
To act on failure of owner	4
To cause repairs to be made on elevators	172
To determine the maximum load for floors	102
To estimate damages to buildings	19
To inspect plastering around heating pipes	68
To make tests	8
Unsafe buildings	4

IRON—

Cast iron lintels	120
Cast iron, quality and strength	27
Iron-clad buildings	21
Wrought iron, quality and strength	27

L

LADDERS—

Drop ladders of fire escapes	159
Engineers' stationary	84

LIGHTS—

Exit lights in theaters	211
In public hallways	233
On vehicles in garages must be ex- tinguished	180
To be kept on public obstructions	14

LINTELS—

Cast iron, maximum span and bearing of	120
Concrete	124

Building Code—(Continued).	SEC.
How built	50
Timber, inside	50
LOADS—	
Floor	100
For masonry work	108
For wood beams	133
On existing floors to be determined by the Inspector of Buildings	102
On floors to be distributed	105
Reduction of live loads in columns.....	104
Roof	101
Wind	115

M

MASONRY—	
Safe load for	108
Walls, how built	38
MATERIAL—	
In foundation walls.....	36
Of reinforced concrete	126
Of Walls	38
Structural	27
Tests of new	26
Weights of	107
MORTAR—	
Cement.....	22
Cement and lime	22
Cement mortar required in cottage walls	59
For foundation walls	36-39
For other walls	39
Lime	22
MOVING BUILDINGS—	
Application for permit	16
Permit to occupy streets	16
MOVING PICTURES THEATERS OR ROOMS—	
Construction of machine booth	214
Location of machine booth	214
Regulations for	214
Seating over 500 must be fireproof..	147-a-214

O

OILS—	
Capacity of tank containing	181
Maximum quantity to be kept in open vessels	181
Must not be drained in sewer	182
Storage and handling of, in garages ...	181
Storage of inflammable	182
ORIEL, SHOW WINDOWS, ETC.—	
Construction of	82
PAINTING—	
Of fire escapes	160
Regulations for metal work	124

Building Code—(Continued).	SEC.
PARTITIONS—	
Bearing partition walls in cellars	57
Brick and hollow tile	56
Inclosure of stair halls	139
In fireproof buildings	139
Inside walls of frame buildings	173
In theaters to be fireproof	203
Reducing thickness of interior	46
Walls between rows of cottages	177
PARTY WALLS—	
Columns for	119
Existing party walls	48
In non-fireproof buildings	44
Lining existing walls	48
PENALTIES—	
For building after permit is revoked ...	6
For failure to make building safe	4
For failure to protect walls during ex- cavation	29
For failure to repair elevator	172
For general violations of ordinance	242
For not closing fire shutters	140
For opening or closing elevator doors while in motion	168
For operating elevator without certifi- cate	163
PENT HOUSES—	
Construction of	94
Of non-fireproof buildings	166
PERMITS—	
Application for	12
Bond to be given	11
Elevator, fire escape, plumbing and electrical	12
For demolishing and moving buildings	16
For erection of elevators	163
For signs	135
Limit of	7
Plans and specifications to accompany..	12
Requirements for	10
Revocation of, and penalties	6
Special permit for smoke pipes through roofs	67
To occupy streets	16
Without drawings	13
PIERS—	
Anchors	74
Isolated, height of	38
Of concrete blocks	134
Of coursed stone	38
When used	38
PILES—	
Concrete around top of	34
Concrete molded in place	35

Building Code—(Continued).	SEC.
Maximum load on concrete	35
Maximum load on wood	34
Wood	34
PIPES—	
Asbestos paper not used over smoke..	90
Covering for steam and hot water	69-c
Ducts for, must be fire-stopped	80
Hot air, construction of	68
Hot water, regulations for	69-c
Plumbing	69-c
Smoke pipes for furnaces	90
Smoke pipes through floor	66
Smoke pipes through partitions	66
Smoke pipes through roofs	67
Stand pipes, regulations for	148
Steam and hot water	69-c
Steam and hot water through floors ...	69-c
Stove, distance from wood	66
Supply and exhaust, in theaters to be in- cased	208
Thimbles for smoke	67
PLANS—	
All changes to be recorded	13
And specifications for elevators	163
For electrical signs	12-138
For reinforced concrete construction ..	125
Permit without	13
Plans for fire escapes, elevators, etc. ..	12
To accompany application	12
To be made in ink	13
To show character of soil	28
PLUMBING PIPES—	
Regulations for	69-c
PROSCENIUM WALL—	
Doorways in	199
Provided with a fire curtain	199
Regulations for	198
PUBLIC BUILDINGS—	
Aisles and passageways to be kept open	184
Buildings classed under this head	183
Lights to be kept burning at night	233
Power of Inspector of Buildings relative to	185
PUBLIC WAYS—	
Lights to be kept on obstructions	14
Space to be occupied	14
Use of	14
R	
RANGES—	
Foundations for	92
Location near partitions	92
Metal hoods over	92

Building Code—(Continued).		SEC.
RECESSES OR CHASES—		
Aggregate area of	54	
For alcoves	54	
For pipes	54	
In walls	53	
REINFORCED CONCRETE—		
Assumption in design	131	
Beams and slabs	128	
Columns	128	
Drawings and specifications	125	
Floor slabs	130	
Forms, requirements for	127	
Materials of	126	
Maximum allowable stresses	132	
Strain sheet and computations	125	
T beams	129	
Variation in design	133	
RETAINING WALLS—		
By whom built	30	
Thickness	30	
RIVETS—		
Allowable shear	110	
In trusses	123	
Regulations for	122	
ROOFS—		
Construction of mansard	94	
Covering of	97	
Floor and roof beams	121	
Incombustible	98	
Leaders from	99	
Loads	101	
Of fireproof buildings	139	
Over elevator shafts to be fireproof	165	
Over stair hall inclosures, construction of	87	
Signs on	136	
Stairs to, in apartment houses	217	
Theater to be fireproof	203	
ROOMS—		
Access to	231	
In basement of apartment houses	237	
Lighting and ventilation of tenement houses	225	
Size of, in apartment houses	228	
Windows in, apartment houses	226	
RUBBISH—		
Removal of	17	
Wetting of	17	
S		
SAFE LOADS—		
For masonry work	108	
For wood beams	113	

Building Code—(Continued).	SEC.
SAFETY—	
Factor of	114
SAND—	
Elevators, location of	240
Quality of	22
SCUTTLES—	
Regulations for	94
SEATS—	
Arrangement of, in theaters without fly gallery	212
In moving picture theaters	214
Not to be placed in aisles	184
Spacing of, in theaters	206
SHAFT—	
Area of vent shaft in apartment houses..	235
Bottom of shafts, courts, areas, etc.....	236
Depth of, below floor level	236
Enclosures for elevator	21-164
Light and vent, how constructed	55
Openings in elevator	165
SHEATHING AND WAINSCOTING—	
Not more than six feet high	81
Prohibited in certain buildings	81
SHEDS—	
Area of	20
Height of	20
In fire limits, may be erected	20
Permanent sheds in fire limits	20
Temporary and detached	20
SHOW WINDOWS—	
Regulations for	82
SHUTTERS—	
Construction of fireproof shutters and doors	140
Fireproof shutters and doors, where required	140
Rolling metal	142
To open from the outside	142
SIDEWALK—	
Construction of	15
Elevators	172
Use of space under	15
SIGNS—	
Bill boards	137
Dangerous, must be removed	137
Electric, regulations for	138
Over sidewalk approved by Board of Public Works	135
Permits for and regulations for	135
Roof	136
SKELETON CONSTRUCTION—	
Framing of	116
Must be independent of each other ...	116
Regulations for	116

Building Code—(Continued).	SEC.
SKYLIGHTS AND FLOOR LIGHTS—	
Construction of floor lights	88
Of theaters	200
Over elevator shafts	165
Regulations for	88
SLABS—	
Concrete	128
Floor, reinforced concrete	130
SMOKE HOUSES—	
Construction of	241
Must be fireproof	147-a
SMOKE PIPES—	
How protected, thimbles	67
Not to pass through floors	66
Not to pass through roofs	67
Special permit	67
SOIL—	
Bearing capacity of	31
Plans to show character of	28
Tests of the sustaining power of	31
STAGE—	
Fly gallery over	203
Wood floor permitted	203
STAIRWAYS—	
Cellar stairs of apartment and tenement houses	216
Clearance of	83
Closets prohibited under	218
Constructed of fireproof material in theaters	194
Enclosure for	21
From basements	85
Hallway enclosures for	87-139
Handrails of stairs in theaters	197
In contact with elevator shaft	167
In fireproof buildings	139
In public buildings	85
Inside stairways of theaters	193
Inside stairways used as fire escapes..	161
Number and width regulated by occupancy	85
Number regulated by area of building..	86
Regulations for width, risers, treads, etc.	83
Risers and treads of stairs in theaters..	194
Stair landings in theaters	196
Stairways for apartment houses	217
Width of stair landings	83
Width of stairways in theaters	195
Winding stairways	83
STAND PIPES—	
Hose connections to	149
In theaters without fly gallery	212
Material of and location	148

Building Code—(Continued).	SEC.
Must be provided with siamese connection	150
Required on all buildings over seventy-five feet high	148
Size and location of, in theaters	209
Size of	148
STEAM AND HOT WATER PIPES—	
Regulations for	69-c
STEEL—	
Allowable bending stress	111
Allowable shear	110
Cast, quality and strength	27
Compressive strain	109
Independent of walls	116
Lattice bars for columns	116
Painting of	124
Quality and strength	27
Steel and wrought iron columns	117
Steel and wrought iron trusses	123
Strength of steel columns	112
Tensile strain	109
STORIES—	
Defined	41
Height of	41
Thickness of walls increased	41
STOVES—	
Regulations for	92
STRAPS—	
Beam	73
Girder	73
STREETS—	
Lights on obstructions	14
Obtain grade	14
Permit to occupy	16
Space to be occupied	14
STRESSES—	
Allowable bending stress	111
Allowable compressive strain	109
Allowable shear	110
Allowable stress in columns	112
Allowable tensile strain	109
Columns eccentrically loaded	112
Internal stresses in concrete	131
Maximum allowable stresses in reinforced concrete	132
Safe load for masonry	108
Weights used in figuring	107
STUDDING—	
Minimum size and spacing of	78
Minimum thickness of, for frame buildings	173
Thickness of	78

Building Code—(Continued).

T

SEC.

TANKS—

Capacity of water	150
Construction of	96
Location of	96
Volatile substances to be stored in	181

TENEMENT HOUSES—

(See "Apartment Houses.")

Definition of	21
Fireproof when over three stories	215

TESTS—

Cost of	8
Of bearing power of piles	35
Of cement	23
Of concrete blocks	134
Of floor construction	143
Of new material	26
Of reinforced concrete designs to de- struction	133
Of safety of buildings	8
Of the sustaining power of soil	31
Of ventilator	201
Piles to be driven	34

THEATERS—

Aisles in	206
Boiler room, construction of	208
Buildings termed theaters	186
Courts and corridors fireproof	191
Curtain, regulations for	199
Doors to open outwardly	194
Dressing rooms, location of, etc.	204
Emergency exits	192
Entrance and exits	187
Exit lights	211
Fireproofing of scenery, etc.	203
Fly galleries	202
Foyers, capacity of	207
Gradients in	189
Handrails of stairs	197
Heating	208
Inside stairways	193
Location of stage	187
Moving picture	214
Must be fireproof	147-a
Obstruction in aisles	184
Power of inspector	185
Proscenium wall	198
Risers and treads of stairways	194
Roof to be fireproof construction	203
Seats and aisles	206
Side courts	190
Skylights for	200
Sprinklers, automatic	210
Stage, construction of	202

Building Code—(Continued).	SEC.
Stage less than twenty feet deep, regulations for	212
Stair landings in	196
Standpipes	209
Ventilator	201
Width of main corridor	188
Width of stairways	195
Windows	205
Wood prohibited	203
THIMBLES—	
Dimensions of	67
Regulations for	67
TIMBER—	
Quality of	25
TRIMMER—	
Construction of	76
Thickness of trimmer beams	76
TRIMMER ARCHES—	
Dimensions of	65
Regulations for	65
TRUSSES—	
Painting	124
Pin-connected	123
Steel and wrought iron	123
V	
VAULTS—	
Opening in sidewalls	58
Railings for	58
Roofs of	58
Walls of	58
VENTILATION—	
Ducts for, regulation of	69-a
Of dry cleaning establishments	178
Of rooms in apartment houses	225
VENTILATOR—	
May be used instead of skylights in the- aters	201
Regulations for	201
Tests of	201
VENTS—	
Area of vent shafts in apartment houses	235
Ducts in public schools	69-b
Flues for ventilation	69-a
For gas stoves and grates	69-c
Shafts, how constructed	55
W	
WAINSCOTING—	
Not to exceed six feet in height	81
WALLS—	
Adjoining walls, minimum thickness ...	47
Bearing walls defined	38

Building Code—(Continued).	SEC.
Bearing walls in cellar	57
Bearing walls over twenty-five feet apart	44
Bearing walls with openings	38
Bracing of	49
Brick and hollow tile partitions	56
Cellar partitions in residences	57
Cellar walls of frame buildings	173
Division walls separating cottages	177
Existing party walls	48
For cottages	59
For light and vent shafts	55
For vaults, area ways and cellars	58
Foundation	36
Foundation, of frame buildings	173
Headers in stone	36
Heading courses in brick	38
Hollow walls defined	52
How built	38
Inclosure walls of skeleton buildings ..	47
Increased or reduced in thickness	46
Increasing height of old	48
Interior walls reduced in thickness when	46
Lining old walls	48
Material of	38
Mortar for	39
Of coursed stone	38
Of fireproof buildings	139
Of public buildings	45
Over one hundred and five feet long, in- creased thickness	46
Parapet walls defined	51
Party walls in fireproof buildings	44
Party walls in non-fireproof buildings ..	44
Proscenium walls, theaters	198
Recesses and chases in	53
Retaining, thickness of	30
Thickness of, chimney	62
Thickness of, dwelling house class	42
Thickness of, flues	63
Thickness of, for cellar huts	173
Thickness of, increased	41
Thickness of walls with face brick	38
Thickness of, warehouse class	43
Unlimited walls defined	44
Unlimited walls, dwelling house class ..	42
WEIGHT—	
For curtain, theater	199
Of material	107
WIND—	
Pressure	115
WINDOWS—	
Bay	82
Dormer	97
Frames in fireproof buildings	139
In basements of apartment houses	237

Building Code—(Continued).		SEC.
In dry cleaning establishments, to be fireproof	178	
In public hallways	229	
In rooms of apartment houses	226	
In stair hallways, size, etc.	230	
In stairway inclosures	87	
In theaters	205	
In watercloset compartments and bath-rooms	227	
Metal frames and wire glass	141	
Opening in elevator shaft	165	
Opening on alley or street in fireproof buildings	139	
Opening on fire escapes to be fireproofed.	153	
Show	82	
		PAGE
Building Inspector (see Building Code)	80-205	
Burial—regulation of	205	
Cancellation of tax bills	541, 542, 543	
Carbolic Aid—regulating use of	208	
Cave Hill Cemetery—for protection of	209	
Cellar Doors—regulation of	416	
Cemeteries—Cave Hill	209	
Portland	210	
to prevent additional	211	
Chauffeurs—license of	36	
Cisterns—construction of	601	
City Attorney—term of	212	
salary	212	
stenographer	213	
employees	214, 215, 216	
City Buyer—duties, salary and employees	217	
regulating transfer of articles from one department to another	566	
City Gauger	221	
City Hospital—room for insane persons	222	
Claim Agent	216	
Claims—manner of presenting	222	
Clergymen—to report marriages	342	
Clerks of General Council	224	
Compilation—resolution ordering	5	
Comptroller—clerk allowed	225	
premium on bond paid by city	73	
Constitution of Kentucky	624	
Contracts for construction and reconstruction of streets.....	226	
Convict-made goods	228	
Cotton seed products—weigher (see licenses)	315	
Councilmen—list of	11	
rules of	832	
Creditors—taxes due to be deducted from claim	540	
Curbing—protection of	423	
to be constructed from Kentucky stone	478	
Day laborers—fixing number of hours	231	
Day's labor—fixing length of	230	

	PAGE
Dead animals	18
removal of	18
Defacing public property—penalty	399
Delinquent tax list—publication of	554
Departments—transfer of articles from one to another	566
Deputy Assessors	30
Deputy Tax Receivers	555
Dirt—to prohibit throwing on sidewalks	302
Diseases—requiring physicians to report	231
to prevent spreading of	231
Disorderly conduct—penalty	234
Display cards—prohibited	235
Dogs—prohibiting vicious	235
licenses of	315
unlicensed	236
Drunkenness—penalty for	238
Elections by General Council	12
Elections—registrations, providing for	459
firemen not to interfere with	252
Electric plants and wiring—regulation of	239
Electric power, light and heat—license of venders of	333
Embalming—regulation of	241
Employees—list of	606-623
Employees—taxes due to be deducted from salary	540
Erroneous tax bills—credit to be given for	538
Eruptive Hospital—appropriation for	527
Executive Boards—to attend on General Council	242
Exposure of person—penalty	247
Fast driving—prohibited	247
Fire Alarm Telegraph—penalty for injuring	248
Fire arms and fire works—regulation of	249
Fire arms—blank cartridges	41
Fire Department—appropriation for	527
Fire Department—regulation of	252, 255, 260
Fire escapes—regulation of	250
Fire hydrants—erection of	261
Fire hydrants—regulation use of	261
Firemen—not to interfere with elections	252
Firemen's Association	249
Flour—regulating sale by weight	262
Food—regulating sale of	264
Food—sale of unwholesome forbidden	265
Franchise—conducting steam heat through Fourteenth Street	270
water pipe in Fifth Street	272
steam heat in Courier-Journal	275
electricity in Main, Fourth, Fifth and Market Streets	278
electricity in square bounded by Fourth, Fifth, Green and Walnut Streets	284
refrigeration in Bullitt Street	288
steam heat in Bullitt Street	290
steam heat in square bounded by Fourth, Fifth, Walnut and Green Streets	293
penalty for violating terms	299

Franchise—(Continued).	PAGE
refrigeration in square bounded by Fourth, Fifth, Walnut and Green Streets	296
Franchises granted to railroads	429-457
Furniture cars—regulating stands for	301
Garbage—regulating removal of	302
Gas Arbitrators—providing for compensation	305
Gas Inspector—assistant—duties and compensation	306
General Council—clerks of	224
joint rules	838
organization of	824
witnesses required [to attend]	603
Glue factories—regulating	307
Gongs—required at railroad crossings	457
Health Officer—births to be reported to	39
diseases to be reported to	231
marriages to be reported to	343
Hours to constitute a day's labor	230
Household goods—regulating moving of	308
Impeachment proceedings—regulation of	243
Inspector of Weights and Measures	596
Insurance agents—license of	309
Interest on warrants	309
Junk dealers—bond of	311
Junk merchants—bond of	313
Kentucky & Indiana Bridge & Railroad Co.—franchise granted to	429, 432, 437, 439, 447, 451
Law Department (see City Attorney)	212-216
Licenses—certain trades and callings	315-333
Accountants—expert	315
Accountants—public	315
Advertising agents	315
Agency—collection	319
Architects	317
Athletic contests	315
Attorneys at law	317
Auctioneers	317
Auditor—public	315
Automobiles	330
Automobile—chauffeurs	36
Automobile—garages	331
Ball throwing exhibit	321
Barber shops	317
Bath houses	317
Billiard rooms	317
Boarding houses	318
Bond broker	318
Bowling alleys	318
Box ball alleys	318

Licenses—(Continued).

	PAGE
Brass knucks—retail seller.....	318
Bridge contractor	320
Broker—bonds, etc.....	318
Broker—lumber	318
Broker—merchandise	318
Broker—ticket	319
Broker—tobacco	319
Buggies	329
Butchers	319
Butter—sellers of	326
Cards—playing	325
Carts	329
Chattel mortgages lending money on.....	324
Chauffeurs	36
Chiropodists	319
Cigarettes—retail sellers	319
Cigarettes—wholesale sellers	319
Circuses	315
Civil engineers	319
Claim agents	319
Clairvoyants	321
Cold storage	319
Collections—on sale of debentures.....	323
Collecting agency	319
Concerts	315
Concert halls	315-316
Contractor—general	320
Contractor—railroad	320
Cotton seed products—weigher of.....	327
Credit associations	324
Dancing schools	320
Debentures—sale of	323
Dentists	320
Dentists—veterinary	331
Detectives—private	326
Dirks—retail seller	318
Distributor of advertising matter.....	317
Dogs	320
Drays	329
Eggs—sellers of	326
Electrical exhibits	316
Elevators—grain	321
Employment agencies	323
Engineers—civil	319
Entertainments....	316
Exhibit—ball throwing	321
Exhibit—knife throwing.....	321
Exhibit of trained animals.....	316
Exhibition—general	316
Exhibition of painting	316
Exhibition of statuary	316
Exhibition of works of art.....	316
Expert accountant	315

Licenses—(Continued).

PAGE

Feather renovators	321
Fertilizer works	321
Financial agents	326
Floating saw mill	321
Flying Dutchman	321
Fortune tellers	321
Fruit—sellers of	326
Gallery—shooting	328
Game—sellers of	326
Garage	331
Grain elevators	321
Hacks	329
Hippodromes	315
Hotels	322
House builders	320
Hucksters	322
Indemnity companies	322
Inspectors of tobacco	329
Insurance adjusters	322
Insurance advisers	322
Insurance agents	309-322
Insurance companies	322
Iron or metal—purchasers of	323
Jobbers—cigarettes	319
Junk dealers	323
Knife throwing exhibits	321
Knives—retail sellers	318
Laundries	318-324
Laundry solicitors	318
Lawyers	317
Lecture halls	316
Lectures	316
Livery stables	324
Live stock—dealers in	320
Liquor dealers	336
Lodging houses	322
Lumber brokers	318
Massagists	324
Meat packing establishments	326
Meat—sale at retail	322
Menageries	315
Mechandise brokers	318
Merchandise salesmen	331
Mesmerists	321
Messenger service	324
Midwives	324
Milk—venders of	324
Money lenders	324
Mortgages, chattel—lending money on	324
Museums	316
Oculists	325
Omnibuses	329

Licenses—(Continued).	PAGE
Osteopaths	325
Pawn brokers	325
Pay stations—telephone	329
Peddlers	325
Pension agents	325
Photographers	325
Physicians	325
Pistols	326
Playing cards	325
Policemen—private	326
Pool rooms	317
Pork houses	326
Private detectives	326
Private policemen	326
Promoters	325
Public accountants	315
Public auditors	315
Public ball rooms	316
Public balls	315
Public dance houses	316
Public dances	315
Public weighers of cotton seed products	327
Rags—purchasers of	323
Railroad contractors	320
Real estate agents	327
Refrigerator plants	319
Rendering houses	328
Restaurants	320-321
Rinks—skating	328
Salaries—lending money on	324
Sale of iron	323
Sale of junk	323
Sale of rags	323
Salesmen—merchandise	331
Saw mills—floating	321
Scalpers—ticket	319
Scavengers	328
Schools—dancing	320
Scientific exhibits	316
Second-hand dealers	328
Security brokers	318
Sewing machine agents	328
Shooting galleries	328
Skating rinks	328
Slung shots	318
Stock brokers	316
Stock yards	326
Storage—cold	319
Storage houses	326
Street sprinkling	328
Submarine exhibits	316
Surgeons	325
Surveyors	328
Swimming pools	329
Tanking houses	328
Taverns	322

Licenses—(Continued).	PAGE
Telephone pay stations.....	329
Theaters	316
Theatrical brokers	319
Theatrical exhibitions	316
Ticket brokers	319
Tobacco brokers	319
Tobacco inspectors	329
Towel supply companies	329
Traders	329
Trading stamp business	329
Trained animals	316
Vegetables—sellers of	326
Vehicles	329
Venders of electricity	333
Veterinary surgeons	331
Wages—lending money on	324
Wagons	329
Warehouses	326
Weighers of cotton seed products.....	327
Wild West shows	315
Licenses—agents of non-resident proprietors responsible for..	332
Licenses—evidence of liability.....	332
Licenses—grade of.....	332
Licenses—penalty for not obtaining.....	333
Licenses—regulated by amount of sales made.....	332
Licenses—to be paid in advance.....	332
Licenses—transfer of	332
Liquor dealers—bond required of.....	74
Liquor license	336
Live stock—driving through streets.....	338
Live stock—driving on East Broadway.....	339
Live Stock Inspector—duties and salary.....	267
Lodging houses—sanitation	465
Loitering—penalty for	339
Louisville Bridge Company—franchise granted to.....	454
Louisville Fire & Accident Dispatch—regulating speed of....	589
Louisville Industrial School of Reform—regulating manner of payment to	568
Louisville Lighting Company—railroad franchise granted to..	434
Louisville & Nashville Railroad Company—franchise granted to	441, 449, 456
Louisville School Board—regulating manner of payment to...	568
Magistrates—to report marriages	343
Manufacturing establishments—sanitation	465
exempt from taxation for five years	544
Market—establishing public	340, 341
Marriages—report to Health Officer	342
Maximum cost of work fixed in ordinance	229
Mayor—Assistant Secretary for	342
Law Clerk	216
Mayors—list of	7
Meat—regulating sale of	264
transportation through streets	265

	PAGE
Milk—regulating sale of	344-359
Monuments—protection of	359
Morgue—regulation of	359
Newspapers—to do public printing	16
Nuisances—concerning abatement of	360, 361
Numbering houses	361
Nurses—school for	466
Oath of public officers	366
Office hours—regulating	224, 369
Officers—bond and oath	366
list of	606-623
salaries fixed	462
taxes due to be deducted from salary	540
Ohio River—prohibiting obstruction of	369
Ohio Valley Improvement Association—appropriation for ...	525
Ohio Valley Telephone Company, The—franchise repealed ...	558
Ordinances—printing of	396
Park Commissioners—control over shade trees	471
regulating manner of payment of	568
Park Police—authorizing establishment of	370
Patrol wagons—to be enclosed	371
Paupers—disposition of	370
Peddlers—to wear badges	371
Pennsylvania Railroad Company—franchise granted to	443
Pennsylvania Terminal Railroad—franchise granted to, 431, 435,	446
Petroleum—regulating storage of	372
Physicians—qualifications of	373
required to report all diseases	231
Plumbing Department—regulation of	374-380
Police Court—regulating service of process and prescribing duties of officers	381
Police Department—government of	260-386
leave of absence	390
Police—park	370
prohibited from doing private watching	380
Pool rooms—penalty for operating	391
Portland Cemetery	210
Posting bills—prohibited on telegraph poles	394
Posting hand bills—prohibited	394
Powder magazines—regulation of	395
Presidents of Board of Aldermen—list of	8
Presidents of Board of Councilmen—list of	9
Printed matter—concerning secret diseases	395
Printing—newspapers to be elected	16
Printing ordinances—concerning	396
Prisoners—wages allowed in Work House	605
Private drains—regulation of	397
to be connected with public sewers	398
Private policemen	386
Privy vaults—concerning	398, 399
regulation of	469
Public bridges—penalty for defacing	399
Public buildings—sanitation	465

	PAGE
Public funds—prohibiting use of	568
Public houses—to prevent overcrowding	560
Public library—purpose to establish	300
Public market	340, 341
Public offices—closing of	224
Public printing—to have union label	579
Public service corporations—books of may be examined	400
Public ways—specifications for construction and reconstruct- ing with asphalt	401-415
regulating use of	416-420
regulating traffic	561
concerning weeds in	420
protection of	423, 424
to prevent earth from washing into	426
to prevent injuries to persons and property	421
owners to be notified before reconstructing sidewalks..	422
protection of asphalt	422
to prevent obstruction of	425
Public wharves—appropriation for	526
Quarries—in Kentucky—stone from to be used	478
Railroad crossings—gongs required	457
Railroad whistles—regulating blowing of	602
Railroads—concerning operation of	458
franchise granted to	429-457
Real estate—prohibiting trespassing	459
Refunding bonds	60, 62, 64, 67, 69
Registration—additional day provided for	459
Registration certificates—penalty for selling or purchasing..	460
Regulation of telephone rate	556
Resolution of respect	15
Retrospective assessment	539
Rights of way of ambulances—allowed	460
Salaries—fixing salaries of officers of city	462
Saloons—regulating sale and hours of closing	464
Sanitation—regulation of tenement houses, etc.	465
School for trained nurses	466
Seal—establishing	466
Second hand clothing—penalty for failure to disinfect	467
Second hand dealers—bond to be given	467
Sewage—regulation of	469
Sewerage Commission—monuments erected by	359
Sewers—prohibiting obstruction of	470
Shade trees—condemnation of	471
Sidewalk—owners to be notified before reconstruction	422
protection of	423-424
to prevent obstruction of	425
weeds in	420
to prohibit throwing dirt on	302
Signs—(see Building Code)	80-205
Sinking Fund—regulating manner of payment to	568
licenses paid into	315
Smoke prohibited	472
Southern Railway Company—franchise granted to	444

	PAGE
Spitting—penalty for	423
Stagnant water—removal of from vacant lots	476
Standard time—established	477
Steamboat whistles—regulating blowing of	603
Steam railways—obstructing street	420
Stock—forbidden to run at large	477
Stone from Kentucky quarries—to be used	478
Street cars—to be heated	479
prohibiting jumping on and off	479
Street cleaning—appropriation for	527
Street railways—regulating speed	480
 Tax bills—ad valorem to be credited by amount of license paid	 539
cancellation of	541, 542, 543
delinquent to be published	554
Tax levy ordinances	545-554
Tax Receiver—employees allowed	555
Tax Receiver—premium on bond paid by city	73
Taxes—appropriation of the tax levy	480-524
collection of from creditors of city	540
credit upon erroneous tax bills	538
manufacturing establishments exempt for five years..	544
Telegraph poles—prohibition as to posting bills	394
Telephone franchise repealed	558
Telephone rates—regulation of	556
Tenement House Commission	559, 560
Tenement houses—appropriation for	528
Tenement houses—sanitation	465
Theaters—to prevent overcrowding	560
The Ohio Valley Telephone Company—franchise repealed...	558
Time—standard—established	477
Traffic regulations	561
Trained nurses	466
Transfer of articles from one department to another	566
Treasurer—duties of	567
clerk for	569
premium on bond paid by city	73
prohibiting use of funds	568
regulating manner of payments to School Board and other boards	 568
Trespass on real estate—prohibited	459
Trespass on vacant lots—prohibited	569
 Underground wires—concerning	 570
Union label—prescribing use of	579
University of Louisville—appropriation for	524
Unwholesome food	265
 Vacant lots—removal of stagnant water	 476
trespass on	569
Vacant property—prohibiting advertising on	235

	PAGE
Vehicles—injuring persons—owner to render assistance....	421
in parades—regulation of	586
prescribing duties of drivers	581
regulating driving of	587
regulating loads of	580
regulating speed of	588
regulating speed of Water Company's	588
regulating speed of Louisville Fire & Accident Dis- patch	589
regulating stands for	301
regulating use of	416
Veteran Fireman's Association	249
Ward boundaries—defining	590
Warrants—payment of	309
Water attachments—construction of	601
Water Company bonds—exempt from taxation	73
Water Company vehicles—regulating speed of	588
Water mains—regulating the connections	595
Weeds in sidewalks—penalty for	420
Weeds—requiring removal of	595
Weigher of cotton products (see licenses)	315-333
Weights and measures—inspector of	596
penalty where false	600
Wells—construction of	601
Wells and Pumps Department (see Board of Public Works)..	51
Wharves—concerning the receipts	601
Whistles—regulating blowing of	602
steamboat—regulating blowing of	603
Witnesses—requiring attendance before General Council	603
Work House—fixing wages of prisoners	605

INDEX TO ACT FOR GOVERNMENT OF CITIES OF THE FIRST CLASS.

1. General Provisions.
2. Boundaries.
3. Legislative Department.
4. Officers.
5. Executive Boards—Public Works and Safety.
6. Public Ways.
7. Parks.
8. Public Wharves.
9. Police Department.
10. Fire Department.
11. Education.
12. Revenue and Taxation.
13. Sinking Fund.
14. Licenses.

1. GENERAL PROVISIONS.

	SEC.
Action against city—limitation	2752-2882
Bank to be selected as depository	2903
to give bond	2903
to pay interest	2903
Board of Health	2059
compensation	2060
Childrens' Guardians	2008
Bonds—issual of (see Constitution).	
Bonds—issual of (see Sinking Fund).	
liability under to be fixed (See Ky. Stats., Sec. 186d).	
(see Surveyor Commission).	
Bribery of officer or councilman	2757
Charters in force at adoption of Constitution (see Constitu- tion).	
Charitable institutions—taxes levied for	2981
Children's Guardians, Board of	2008
Board—how removed	2012
taxes to maintain	2013
Circuit judges—salary supplemented	2750
City Work House—escape from	2749
Commonwealth's Attorney—salary supplemented	2750
Contracts unauthorized void (see Constitution).	
Contracts—power to make	2742
Contracts—money due under to be offset against taxes due..	2753
Contracts—cannot contract beyond appropriation	2820
Corporate powers	2742-2783
Departments of Government	2743
Departments—neither shall encroach on other	2743
Departments—may be examined	2797

	SEC.
Deficit tax	2981
Different departments	2743
Election—constitutional provision (see Constitution).	
Eligibility to office	2746
must take oath as to eligibility	2745
constitutional provision (see Constitution).	
Embezzlement by officer—penalty	2747
Evidence—public records	2775, 2874, 2896a-4
to justify license	3019
tax bills	2996
Excavation near building—provision for	3037-a
Executive department (see Officers).	
False entries by officer—penalty	2747
Fees to be accounted for	2812
Fiscal year—when to begin and end	2754
Franchises—granting—limit of power (see Constitution).	
Franchises—assessment of	2984a
sale of	3037d
renewal of where public necessity	3037d
when city may purchase	3037d-2
value, how fixed	3037d-3
quality of service and rate charged	3037-4
exclusive not to be granted	3037d-5
Gas Company stock—power to sell	2783a
proceeds of sale	2783a-2
application of proceeds	2783a-2
Gas Company—General Council may authorize amendment to Charter	2783a-3
Gas stock—may sell	2783a-3
General purpose—taxes for	2981
Health Department—under Board of Safety	2861-2810
Hospital (see Tuberculosis Hospital).	
under Board of Safety	2861-2810
House of Reform—escape from	2749
taxes levied for	2981
Impeachment—by Board of Aldermen	2781
appeal from	2781
Incorporation	2742
Indebtedness of city and county	2744
limit of allowed—(see Constitution).	
when to be paid (see Constitution).	
Inquest—stenographer's report (See Ky. Stat., Sec. 537).	
Inspection laws	2201
Interest—depositors to pay	2903
(see Revenue and Taxation).	
Jail—chaplain for	2877b
matron for	2877a
Judicial Department	2743
(see Officers).	
Juvenile Court—tax to sustain (See Ky. Stats., Sec 331e-21).	

	SEC.
Legislative—executive and judicial departments	2743
Library—public, provision for	2801a, 2981
to be free	2801a
to be non-sectarian	2801a
tax to be levied for	2801a
to report to Mayor	2801a
non-residents may use	2801a
trustees to be named by Mayor	2801a
where money to be deposited	2801a
trustees to report to General Council	2801a
funds not to be diverted	2801a
trustees may accept donations	2801a
taxes levied for	2981
Limitation of action against city	2752-2882
Map—Sewerage Commission to make	3037b-3
Misapplication of funds by officers	2747
Mob—when city liable for acts of	8
Money—withholding by officer—penalty	2747
forfeited or withheld—no suit to recover	2882
Oath required of all officers	2745
(see also Constitution).	
Obligation due taxpayer—deducted from taxes	2753
Office—eligibility to	2746
Officer—holds till successor qualifies	2748
exception—General Council	2768
and agents may be appointed	2756, 2780
making false entries	2747
oath to be taken	2745
term—duties—compensation	2756
when to take office	2759
Ordinances—codification	2751
power to pass	2742, 2782, 2783
duty of City Attorney respecting	2751
certified copy	2775
evidence to establish	2775
publication biennially	2751
invalid unless published biennially	2751
judicial notice of	2775
regarding vaccination	4611
Pawn brokers—police supervision	2886-2887
Penal institution—aiding escape from	2749
concealing or harboring person escaped from	2749
Physicians employed—pay	2060
Prisoners—aiding to escape—penalty	2749
Public records	2775-2874
Public library—provision for	2801a
Public service corporations—to make way for sewers	3037d-8
Property—may acquire and own for municipal purposes	2742
Resolutions—power to pass	2742
joint to have Mayor's approval	2795
Real estate—how purchased	2823
Roads—leading to—opening of	4304

	SEC.
Seal—may adopt and change	2742
may act without	2742
Sewerage Commission—concerning	3037b
members how appointed and term	3037b
qualification and salary	3037b
General Council to approve work	3037b-5
bonds	3037b-11-12
Sinking Fund	3037b-11-12-14
land—may condemn	3037b-7
streets to—stone	3037b-10
dissolution	3037b-13-14
Separation from county	2744
city and county indebtedness	2744
Sue and be sued	2742
Tuberculosis Hospital—Board—how constituted	3037c
Board—election of	3037c-3
vacancies in Board	3037c-4
tax to be levied for	3037c-5
Vaccination—ordinance relating to	4611
Vagrants	4767
Water Works—concerning	3024a
Weights and measures—penalty for using defective	2755

2. BOUNDARIES.

Annexation or reduction—ordinance	2761
approval from judgment	2762
judgment certified to Council	2763
jury to try case—no change of venue	2762
publication of ordinance	2761
remonstrance—petition in Circuit Court	2762
seventy-five per cent to remonstrate	2762
verdict—when adverse to city—no further effort for two years	2762
Annexing smaller city	2764
Existing boundaries continued	2760

3. LEGISLATIVE DEPARTMENT.

Alderman elected from city at large	2767
exempt from jury and militia service	2776
expel—two-thirds majority	2771
impeachment	2781
privilege—debate	2776
to elect President annually	2770
shall judge of eligibility and election of members ...	2771
Annexing or reducing territory	2761
Appropriation bills—disapproval of items by Mayor	2796
Clerk elected by each board	2770

	SEC.
Councilmen elected from city at large	2766
eligibility—members shall be judge	2771
expel—two-thirds majority	2771
exempt from jury and militia service	2776
privilege—debate	2776
qualification—must be voters and residents	2766
two from each ward	2766
to elect President each year	2770
to elect Clerk	2770
may elect Sergeant at Arms	2770
Gas Company stock—power to sell	2783a
General Council —two boards	2765
appropriations—not to exceed ninety-five per cent of revenue	2982
attendance coerced	2772
adjourn—for not longer than thirty days	2772
Board of Health—to establish	2059
board for park purposes—submitted to voters	2854
clerk elected by each board	2770
contract—members not to be interested in	2768
contract—to be apporved by	2829
convened by Mayor	2798
convene—when to, after election	2772
debate—not to be questioned elsewhere	2776
expulsion of member	2771
finer—power to impose	2782
Gas Company stock—may authorize sale	2783a-3
journal	2773
members not eligible to office by election of board ..	2779
members not eligible on Board of Public Works or Board of Public Safety	2802
members exempt from jury service	2776
meetings, where to be held	2772
meeting place not to be changed—exception	2772
misdemeanor—power to improve fines	2782
oath of office	2768
oath of office	2745-6
ordinances—power to pass generally	2783
Mayor—when tie vote to elect	2787
Mayor may convene	2798
penalties	2782-2801a-7
maps—assessment—to provide	2986
place and time of meeting—quorum	2772
president elected by each board	2770
privilege—debate	2776
proceedings to be published	2773
proceedings of police records	2775
proposition to raise money	2778
public printer to be selected	2773
publication of proceedings	2773
purchases—to approve	2801
qualification of members	2768
taxes—to be levied and not diverted	2816
taxes—to levy on property	2980
quorum	2772

General Council—(Continued).	SEC.
Sinking Fund Commissioners to elect	3010-3
Sinking Fund, no power to diminish resources of ...	3010-8
Sinking Fund, to make reports to	3010-17
term of office	2768
vacancies in—how filled	2771
vacancies in—office of Mayor to fill	2788
Health—board of, established	2059
Legislative power vested in General Council	2765
Misdemeanor—ordinance imposing fine	2782
Officers and agents—appointed by	2756-2780
removal of by	2781
Ordinance—amendment—only by repealing	2777
acquittal or conviction under a bar (see Constitution).	
adopted—must be on separate days	2777
agents to be named as provided by ordinance	2780
Circuit Judges salary supplemented	2750
Commonwealth's Attorney's salary supplemented ...	2750
Comptroller—to be filed with	2900
conviction under bars another prosecution (see Con-	
stitution).	
codification and publication	2751
copies evidence	2775
custody of Comptroller	2900
discussion—free to be had	2777
election of officers and agents	2780
imposing fine for misdemeanor	2782
improving public ways—two weeks to elapse between	
meetings	2834
judicial notice	2775
misdemeanor—imposition of fine	2782
money—to raise, where to originate—not to conflict	
with State laws	2783
not to pass both houses same day	2777
officers to be named as provided by ordinance	2780
one subject	2777
passage—reading	2777
penalty for violation—bar (see Constitution).	
power to pass	2783
presented to Mayor	2795
publication	2751, 2774
read—to be read in full	2777
subject—not to embrace more than one subject to be	
expressed in title	2777
to raise money	2778
veto by Mayor	2795
veto—may pass over veto	2795
withholding by Mayor	2795
President elected by each board	2770
Board of Aldermen to call election to fill vacancy..	2788
Board of Aldermen—when to act as Mayor	2789

	SEC.
Proposition to raise money to originate in lower board	2278
Publication of ordinance	2751, 2774
Public library—provision for	2801a
Public records—evidence	2775
Public ways improved by ordinance	2829
Reducing territory	2761
Representation equal and uniform	2766
Resolutions to be presented to Mayor	2795
Vaccination—ordinances relating to	4611
Wards—number of	2769
to be equal as to population	2769
Warehousemen—license	4784
Wells and cisterns made by ordinance	2826

4. OFFICERS—GENERAL PROVISIONS.

Aldermen—(see Legislative Department).	
Agents and officers to be named as provided by ordinance ...	2780
Bailiff Police Court—(see Police Department).	
Board of Public Works and Safety (see Executive Boards).	
Bonds to be fixed by ordinance	2756
Bonds—liability to be fixed (see Ky. Stats., Sec. 186d).	
Bribery of officers—penalty	2757
Clerk of Police Court—(see Police Department).	
Compensation prescribed by ordinance	2756
not to be changed during term (see Constitution.)	
Contract—penalty for making beyond appropriation	2821
Duties prescribed by Council	2756
Elective officers—when to take office	2759
when Councilmen to take office	2772
Eligibility	2746-2749
Embezzlement	2747
Entry—failure to make proper—penalty	2742
Examination of departments and offices	2797
Executive and ministerial—removal	2781
False entries by officers	2747
Fiscal officers (see Constitution).	
Hold office until successor qualifies	2748
exception	2768-2772
Incompatible offices (see Constitution).	
Interpreter of Police Court (see Police Department).	
Judge of Police Court (see Police Department).	
Matron for jail (see Police Department).	
Misapplication of funds	2747
Oath required of officers	2745
Ordinance to provide for election or appointment of	2780

SEC.

Penalty for attempting to bind city beyond appropriation ...	2821
Prosecuting Attorney of Police Court (see Police Department).	
Removal of executive and ministerial officers	2781
Removal of employes of boards	2810
Removal of officials appointed by Mayor	2794
Stenographer of Police Court (see Police Department).	
Terms prescribed by Council	2756
Terms prescribed by Council (see Constitution).	
Time of election to be fixed by ordinance	2756-2780
Time to take office	2759

ASSESSOR.

Assessment of franchise	2984a
Bond executed by	2906
Cash value—to assess property at	2984
Deputies—appointment	2906
Duties	2906-2989
Election by Council	2906
False entries	2747
Franchises—manner of assessment	2984a
Investigate deaths and transfers	2989
Lands and improvements to be viewed	2987
List tax bills with Tax Receiver	2996-7
Oaths—may administer	2906
Powers and duties	2906
Purchase of real estate—notice by	2907
notice to	2907
Real estate—transfers	2906-2989
Register of transfers of real estate	2907-2989
Statement of payments by taxpayers	2908
Viewed—land and improvements to be	2987

AUDITOR.

Accounts of city to be kept by	2901
Audit all claims against city	2901
Bond to be executed	2901
Duties and powers	2901
Election by voters of city	2901
Embezzlement or misapplication of funds	2747

SEC.

False entries	2747
Oaths—power to administer	2901
Salary	2901

BOND RECORDER.

Appointment—term	2947
Bond required of	2947
Bonds—to be executed before	2947
Deputies—appointment	2947
bond required of	2947
salaries	2947
Fees for taking bonds	2947
paid into City Treasury	2947
Powers and duties	2947
Qualifications	2947
Records to keep	2947
Removal	2947
Salary	2947

BUILDING INSPECTOR.

Building Inspector—office created	2758
---	------

CITY ATTORNEY.

Appointed by Mayor—term	2909
Assistant appointed—duties	2910
qualifications	2910
salary	2910
Condemnation of property—to institute suit	2831
Duties	2909
Ordinance to be codified by	2751
Opinions and advice	2909
Park Board—duties concerning	2852-2859
Pension Boards—attorney for	2896a-2896b
Public ways—to institute suit to close	2832
Salary	2909

CITY BUYER.

City Buyer—appointed by Mayor	2801
purchases to be made by	2801-2822
to report all purchases to Comptroller daily	2801

SEC.

CITY ENGINEER.

Appointment	2810
Assistants and salary	2810

COMPTROLLER.

Appointed by Mayor—term	2897
Bond to be executed by	2898
Bank to be selected as depository	2902
Clerk—appointment of	2900
City Buyer to report to daily	2801
Copies of records—to be attested by	2899
Custodian of city seal and records	2899
Duties and powers	2897-2899
Embezzlement	2747
False entries	2747
Misapplication of funds	2747
Ordinances to be printed and filed with	2900
Park Commissioners' oath to be filed with	2842
Park Commissioners' bond to be filed with	2843
Records—what they must show	2898
Report annually to Mayor and Council	2898
Tax bills—unpaid to be reported to	3000
Tax Receiver's books—prescribe manner of keeping	2904
Treasurer to report balances to	2902
Warrants on tax bills made out by	3001
to be returned to comptroller	3002

INSPECTOR OF WEIGHTS AND MEASURES.

Inspector of Weights and Measures	2755
not to charge fees	2755
salary	2755

LIVE STOCK INSPECTOR.

Bond required	2948
Deputies	2948
Elected by council—term	2948
Powers and duties	2948
Salary	2948

MAYOR.

SEC.

Absent or disability—who to act	2789
Accountants—may appoint three	2797
Appointment of City Buyer	2801
Appointment of Examiner of Departments, etc.	2797
Appropriation bills—disapproval of items	2796
Approval of purchase by City Buyer	2801
Approval of purchases by boards	2822
Bank to be selected by as depository	2902
Boards—appointment and removal of	2802
to settle disputes between members	2814
approval of purchases by	2822
City Buyer—to be appointed by	2801
Clerk—appointment and removal	2792
Contracts with city—not to be interested in	2786
Convening General Council	2798
Departments—may be examined	2797
Duties to be performed by	2791-2793
Election and term	2784-2787-2790
Election—tie vote	2787
Eligibility—chief executive	2785
Executive power—vested in Mayor	2784-2785
General Council—may convene	2798
General Council—to transmit reports to	2815
Joint resolutions to be presented to	2795
Judge pro tem of Police Court—to appoint	2925
Library, public—may provide	2901a
Matron for jail—appointed by	2877a
Mayor pro tem—election	2788
compensation	2788
Oath—may administer	2799
Officers—to have supervision over	2793
Officers—may remove	2794
Ordinances and resolutions presented to	2795
Ordinances—may approve or disapprove	2795
Powers	2791-2801
President of Board of Aldermen to act as	2789
President of Board of Aldermen—compensation when Mayor..	2789
Purchases—to approve	2801
Real estate—to be purchased by	2823
Removal of officials	2794
Salary, \$5,000	2800
Sewerage Commission—member of	3037b
Supervision over boards	2793
Trustees—Public Library—to name	2801
Tuberculosis Hospital—member of board	3037c-2

	SEC.
Vacancies—when to fill	2791
Vacancy—how filled	2788
Veto power	2795
Veto—parts of appropriation bills	2796
When to take office	2790
Withholding ordinance	2795

PROPERTY CLERK.

Property Clerk—bond and duties	2888
--------------------------------------	------

TAX RECEIVER.

Bond executed	2904
Deputies' appointment and removal	2904
Deputies' salaries	2904
Duties and powers	2904
Election by voters of city	2904
Eligibility	2904
Embezzlement or misapplication of funds	2747-2905
False entries	2747
Notices—to be given tax payers	2999
Qualifications	2904
Salary—to be fixed by General Council	2904
Settlements—to be made daily	2904
to be made yearly	2904
Statements to Assessor and Comptroller—to be made daily..	2904
Vacancy in office	2904
Warrants—to be levied by	3002

TREASURER.

Treasurer—election and duties	2902
all money to be paid to	2811-2902-2917
member of pension board	2896a-2896b
required to give bond	2902
to report balances to Comptroller	2902
bank to be selected as depository	2903
misapplication of funds	2747
Wharf Master	2860

(See also Police Department for provisions concerning offices of that Department, including Police Court.)

5. EXECUTIVE BOARDS—PUBLIC WORKS AND SAFETY.

Annual reports submitted to Mayor	2815
Appointment and removal of officers and employees	2810

	SEC.
Executive power vested in	2784
Board of Public Works and Safety—appointment	2802
agents—power to employ	2809
appropriation—penalty for attempt to exceed	2820
books, records and property—indexes	2803
business to be transacted at office	2804
chairman of board	2805
contracts—how executed	2817-2822
General Council—to have seats in	2807
General Council—may be compelled to attend meetings of	2807
employees not to receive perquisites	2811-2812
employees to make oath concerning fees before salary paid	2813
journal of proceedings	2804
Mayor to settle disputes between members	2814
member may take part in council proceedings	2807
member to act only by authority of board	2806
not to be interested in contract	2818
money—when to be paid out	2819
oaths—power to administer	2808
official business—to be transacted at office	2804
officers—power to employ and remove	2809-2810
Rules—power to prescribe	2803-2805
power to bind city limited to amount appropriated... penalty for attempting to bind city beyond appropria- tion.	2819 2820
qualifications of members	2802
removal of employes	2810
reports—to be made to Mayor	2815
taxes to be levied for	2816
taxes not be diverted	2816
times and place of meeting	2805
Board of Public Safety—three members	2861
appoint Police Force and increase same	2880
births, marriages and deaths—registration	2861
by-laws—government of inmates of institutions	2862
Chief of Police—to appoint	2865
Chief of Firemen—to appoint	2865
control of Police Force	2873-2874-2880
deduction from time of persons confined	2864
employees under—qualifications	2866
employees under—manual of instruction to be furnished	2867
enforcement of ordinances	2876
establish station houses—furnish horses, etc....	2777-2896a-4
engine houses—may establish and provide	2896a-6
examination of charges—powers	2874-5
Fire Department—to appoint and control,	2896a-2861-2810
Health Department—to appoint and control	2861-2810
information furnished by	2876
inspection of Police Force	2895
institutions—may locate	2863
Police Force and employes—to fix salaries	2884
powers and duties	2861, 2874-5-2881-2810
promote policemen	2880-2881

Board of Public Safety—(Continued).	SEC.
reduce grade of policemen	2880
remove policemen	2881-2
salary	2861-2884
property—clerk to take charge of	2888
witness—compell attendance	2875-2896a-2895
rules—power to make	2882-2896a-4-11
Board of Public Works—three members	2824
apportionment warrants to be made out by	2833-2839
condemnation of property—board may order	2831
condemnation—procedure	2831
contract—work to be done under—publication	2829
contract—to lowest and best bidder	2829
contract—to accept	2829
control of public ways	2825-2826
control of market houses	2825
dedication of streets—to be approved by	2826
dedication of streets—refusal to approve	2826
departments under—to name heads	2810
lighting streets and public places	2825
improvements—property owners may make	2835
improvements—to be inspected and received by Board of Public Works	2837
plans and specifications—may alter	2830
public buildings—control of	2827
public improvements—control of	2827
public improvements—estimate of cost	2828
salary	2824
wharves—to be under control of	2860
Chief Engineer—examination	2810
qualification	2810
compensation	2810
assistants	2810
assistants—compensation	2810
Chiefs of departments—appointment and removal	2810
Condemnation of property	2831
Contracts—how executed	2817
for expenditures—how approved	2822
limit of power to bind city	2820
member not to be interested in	2818
Estimate of cost of work and material	2828
Improvements—acceptance of bids	2829
alteration of plans and specifications	2830
contracts for	2829
directed by ordinance	2826
publication for proposals	2829
specifications	2829
Liability for attempt to bind city beyond appropriation	2821
Market houses—control over	2825
Money—conditions upon which paid out	2819

	SEC.
Officers and employes—employment of	2809
account for fees received	2812
compensation	2809
perquisites not to be received	2811
statements and returns	2813
Power to bind city limited	2820-21
Public ways—improvement directed by ordinance	2826
Real estate purchased for use of board	2823
Reference of disputes to Mayor	2814
Station and station houses	2877
Subordinate officers and employes—removal	2810
Taxes collected and credited to boards	2816
Wells and cisterns—to be provided for by ordinance	2826
costs of—lien	2834

6. PUBLIC WAYS.

Action to enforce lien—evidence	2834-38
Apportionment warrants—registration	2839
how made out	2833-2879
against State	2833-a
lien—when valid	2839
payment noted on register	2839
Cisterns	2834-2826
Claim against State on apportionment warrant	2833a
Cleaning street—taxes for	2981
Closing street or alley—suit to be brought	2832
Construction—how cost assessed	2833
Corporations—restricting as to use of street (see Constitution).	
Curbing—how apportioned	2833
Dedication of streets—how made	2826
must be accepted	2832
Excavations—act concerning	3037a
Fire hydrants—cost of	2833
Improvements—defined	2832
city not liable for	2834
property owners may make	2836
directed by ordinance	2826
lien for—how enforced	2838
Inspection and reception of work	2837
notice of—publication	2837
Lien for costs of improvement	2834
how enforced	2834, 2838
meaning of	2832
Original construction—at cost of lot-owners	2833
Opened—widened—narrowed—closed or constructed only by ordinance	2826
Private corporation—restriction in use of (see Constitution).	
Property-owners permitted to improve—when	2836
—when to pay for improvements	2833
Public ways defined	2832

	SEC.
Redemption—after sale for street improvement	2838
Sewers—taxes levied for	2981
Sidewalks and curbing—costs	2834
constructed under ordinance	2826
cost apportioned to owners of property	2835
Squares defined	2833
Taxes—levy for street cleaning	2981
levy for street sprinkling	2981
levy for street construction	2981
Territory not defined into squares	2833
Wells and cisterns—costs	2834-2833
provided by ordinance	2826-2833

7. PARKS.

Board of Park Commissioners—control by	2840-2851
accounts—report to Mayor	2856
bond required	2843
bond to be approved by Mayor	2843
bond to be filed with Comptroller	2843
compensation	2845-6
Comptroller—oath to be filed with	2842
comptroller—bond to be filed with	2843
condemn land	2849-2851-2852
condemn land—City Attorney to bring suit	2852
condemn land—jury to try	2852
condemnation proceedings—abandonment of	2852
contracts—not to be interested in	2846
contracts—power to make	2840
disqualified from holding other office	2846-2847
election and term of office	2841
eligibility	2841
gift—may acquire by	2849
gift—not required to accept	2850
Mayors—ex-officio member	2841
member becoming disqualified	2847
member—how elected	2841
misdemeanors—punished in Police Court	2848
not to anticipate or charge income	2855
number of members	2841
oath to be taken	2842
oath and duties	2848
powers and duties	2848-2849
President and other officers—salaries	2845
President and other officers—term of office	2845
public squares to be controlled by	2851
qualifications	2841
report to Mayor	2856
revenues—cannot anticipate	2855
rules—violation of to be punished in Police Court ..	2848
salaries of President and employes	2845
Secretary and Treasurer	2845
sidewalks—to plant shade trees along	2851
term of office	2841

Board of Park Commissioners—(Continued).	SEC.
title to property—vested in	2850
trees—control along streets	2851
vacancies—how filled	2844
Vice-president	2845
Bond for raising money—submission to voters	2854
Bond for raising money—two-thirds of voters to approve ..	2855
City Attorney—duties concerning	2852-2859
Condemnation of property	2852
City Attorney to bring suit	2852
Exemption from taxation	2850
Income for future year—not anticipated or changed	2855
Locating parks—powers and duties of board	2849
Park property—what included in term	2858
exempt from taxation	2850
Police—special to be provided by General Council	2857
Property—acquiring	2849-51
condemnation	2852
conveyance of real estate to board	2851
exemption from taxation	2850
Public squares	2851
Shade trees	2851
Special park police	2857
Tax for parks and expenses	2853
property of board exempt	2850

8. PUBLIC WHARVES.

Board of Public Works control	2860
lease of property by	2860-2
Rents and income from to be paid City Treasurer	2860-3
Superintendent and assistants	2860
compensation	2860
vacancy—how filled	2860

9. POLICE DEPARTMENT.

GENERAL PROVISIONS.

Abandoned property—property clerk	2888
Absence without leave—dismissal	2883
leave of	2883
Accommodations for business	2877
Action for salary—limitation	2882
Arrest—policemen not subject to	2896
Assessments for political purposes forbidden	2871
Board of Public Safety—control	2873-75-2810-2861
disposal of property	2878
Captains of Police	2880-2886

	SEC.
Chief of Police—appointment	2865, 2881
assistant	2880
control of Police Force	2868
Mayor, when subordinate to	2868
pawn brokers—supervision over	2886-2887-2889
rank of Colonel	2880
times of peril—subordinate to Mayor	2868
Deducting or withholding pay	2882
Detective Force	2880
Dismissing member	2882-3
Duties of Police Force	2885
Evidence—stolen property or money	2891
Examination and inspection of force	2895
Examination of charges	2874
attendance of witness	2875
powers generally	2875
Exemption from arrest on civil process	2896
Exemption from jury service	2896
Exemption from military duty	2896
Female prisoners—detained	2777a
Forfeiture of salary	2883
Horses furnished	2877-8
Information furnished by board	2876
Inspection of force	2895
proof of inefficiency	2895
Jail—chaplain for	2877b
Jury service—not liable to	2896
Lieutenants of Police	2880
Lost property—property clerk	2888
Manual of instruction furnished	2867
Matron for jail	2877a
appointment—duties—salary	2877a
assistant	2877a
term of office	2877a
vacancies	2877a
Mounted patrols	2878
Oath and bond of members of force	2894
Officers and employes—qualification	2869
Ordinances enforced	2876
Parks—police power to extend over	2848
special police for	2857
Patrolmen—number of	2878, 2880
Patrol wagons	2877-8
Pawnbrokers—supervision over	2886-2887-2889
examination of books and tickets	2887
Pension for policemen	2896b
Physician for jail	2237a

	SEC.
Police Force—what to consist of	2880
absence—forfeits office	2883
absence—leave of allowed by Board of Safety	2883
arrest—not liable to	2896
bond	2894
compensation	2880
detectives	2880
duties—preserve peace, etc.	2885
ignorance—cause of removal	2895
increase of force	2880
jury service—not liable to	2896
inspection—once each year	2895
money—can't sue to recover where forfeited	2882
oath	2894
resignation—must be by consent of Board of Safety ..	2883
salary	2884
to advise and report to board	2879
Policeman not to receive gratuity	2872
assessment for political purposes not allowed	2871
assist Bailiff of Police Court	2944
charges against	2874
dismissal—reprimanding	2882-2874-2875-2893-95
gratuity—not to receive	2872
insane	2874
qualification	2869-2893
special police	2870
withholding pay from	2882
to report to Board of Safety	2879
process—may execute	2943
Political organization—not to belong to	2896
Powers of officers and employes	2869
Private policemen—bond—duties	2892
qualifications	2892
Process executed by policemen	2943
Promotions—order of	2881
Property clerk employed	2888
advertisement of property	2888
charge of stolen property, etc.	2888-89-90
property or money used as evidence	2891
unclaimed property to be sold	2890
Public pound	2888
Qualifications of members of force	2866, 2892-3
Removal of members of Police Force.....	2874-2875-2882-2893-95
Reprimanding member of force	2882
Rules and regulations—discipline	2874
copies—evidence	2874
Salary of officers and members	2884
payable monthly	2884
Sergeants of Police	2880
Special police	2870
Stations and station houses	2877
for women	2877a
Stenographer for coroner's inquest (See Ky. Stats., Sec. 537).	

	SEC.
Stolen property—property clerk	2888
evidence—used as	2891
Supervision over pawnbrokers	2886
licensed and unlicensed business	2886
Suspending members of force	2882
Taxes—levy for Police Department	2981
Teams and vehicles	2878
Unclaimed property—advertisement of	2889
disposition of	2890

POLICE COURT.

Appeals to Circuit and Appellate Court	2922
Attorney—prosecuting	2911
Bailiff	2911
Bond to keep the peace	2914
of accused	2912
Children—cases involving custody of	2913
Clerk	2911
Confinement in workhouse or jail	2916
Court of record	2911
Docket	2918
Doorkeeper	2928a
Drunkenness or disorderly conduct	2914
Examining court	2912
Failure to perform duty—penalty	2919
Fees and costs—none allowed	2921
Fines and penalties—extent of	2913-2916
Fine—paid into City Treasury	2917
payment by work	2916
Imprisonment—hard labor	2913
Jail—when to be confined in	2916
Judge	2911
Judge's Docket—entries	2918
Judgments—control over	2918
suspension of	2918
under ordinance bars other prosecution (see Constitu- tion).	
vacation or modification	2918,
Judicial power—vested in	2911
Jurisdiction of	2912
Jurisdiction over offenses committed in parks	2848
Officers of court	2911
election and term	2911
neglecting duties—penalties	2919
Parks—jurisdiction over offenses committed in	2848
Place of holding court	2928
Practice—rules and regulations	2915

	SEC.
Prisoners must be prosecuted in 24 hours.....	2912
Rules—may be made by judge.....	2915
Stenographic report of evidence	2912
Witnesses—fees	2920

PROSECUTING ATTORNEY POLICE COURT.

Children's Guardians, Board of—to represent.....	2014
Commonwealth's attorney—may assist	2939
Duties	2935-2936
Election and term	2911
Oath of office	2935
Pro tem. attorney—compensation	2938
Qualifications	2929
Representative of Commonwealth and city.....	2936
Salary—deduction from	2937-8
Vacation—time allowed	2938

BAILIFF.

Bond executed	2941
Duties and powers.....	2940, 2942
Deputies	2944
Election and term	2911
Policemen to assist.....	2940, 2943, 2944
Powers of constable or policeman.....	2940
Process—execution of	2943
Policeman may execute	2943
Salary	2944
Special bailiff	2943

CLERK OF POLICE COURT.

Administer oaths	2930
Allowance for stationery	2933
Bond of	2929
Deputies—appointment	2931
salary	2931
Election and term	2911
Oath and bond	2929
Penalty for violation of duty.....	2930

	SEC.
Powers and duties	2930-2934
Process—authority to issue	2934
Qualifications	2929
Salary	2931
Vacancy in office—how filled	2932

INTERPRETER OF POLICE COURT.

Appointment and term of office	2945
Salary	2945

JUDGE OF POLICE COURT.

Administer oaths	2915
Attention to duties	2924
Children's Guardians—board of to appoint	2008
Children's Guardians—judge a member of	2008
Conservator of the peace	2915
Door keeper for—to appoint	2928a
Election and term	2911
Oath of	2923
Place of holding court	2928
Pro tem. judge—powers	2925
compensation	2925-6
when judge sworn off bench	2927
Qualifications	2923-2924
Salary—payment of	2923-4
Vacation—time allowed	2926

STENOGRAPHER OF POLICE COURT.

Appointment and term of office	2946
Salary	2946
Coroner's inquest (See Ky. Stats., Sec. 537).	

10. FIRE DEPARTMENT.

Absence—leave how granted	2896a-12
Arrest—members not subject to	2896a-14
Assessment for political purposes forbidden	2871
Board of Safety to appoint and control	2810-2861-2896a-3-9
Board of Trustees Firemen's Pension Fund	2896-16
City Attorney—to represent Pension Board	2896a-32
Chief of firemen and assistants—appointment	2865-66-2896a-7

	SEC.
Eligibility	2896a-9
Fines may be imposed by Board of Safety.....	2896a-5
General provisions regulating	2896a
Jury—not liable to serve on.....	2896a-14
Manual of instructions	2867
Numbers—board may increase.....	2896a-8
Pension fund for.....	2896a-16 to 2896a-33
Pension fund—who entitled to	2896a-26
Promotions	2896a-9
Punishment	2896a-10
Qualification of employes	2866
Removal	2896a-4-5-10-11
Rules—Board of Safety to make.....	2896a-4-11
Rules—may be used as evidence.....	2896a-4-11
Salaries of members of	2896a-7-13
Secretary	2896a-7-13
Substitute firemen	2896a-7-13
Taxes—to be levied for Pension Fund.....	2896a-17
Taxes—levy to be made for Police purposes.....	2981

11. EDUCATION.

Branches taught and text-books furnished.....	2957
Bribe—officer or member of board receiving.....	2968
Budget of expenses	2954
Census—when and how taken	2957-2974
Census—report of to Supt. Public Instructions.....	2974
Census—Supt. Public Instructions may make.....	2974
Census—concerning	2978a
Certificate—when void	2973
revocation	2973
Children outside of city—tuition	2961
examination for admission	2958
poor provided with text-books.....	2959
required to attend school.....	2978a
separation of white and colored.....	2978
colored children—not to attend white school.....	2978
Common school law—when not to affect.....	4433
Corporate name	2949
County superintendent not to be elected from city.....	3999
County superintendent not to control city schools.....	2974
Depository—how selected	2963
Depository—how checks drawn	2963
District school—when desired	4432
Enumerators—how employed and qualification.....	2974
Enumerators—failure of parent to report child to.....	2974

	SEC.
Enumerators—concerning	2978a
Escheated porperty vested in board	2971
Escheated property—board may sell	2971
Fiscal and scholastic year.....	2955
Funds deposited in bank—how withdrawn.....	2963
Graded common schools—law not to affect.....	4489
Guardian to send children to school.....	2978a
Incorporation	2849
Investigation of complaints	2966
Kindergarten methods	2957
Officers—may be expelled.....	2967
Parents to send children to school.....	2978a
Parents—penalty for failure to send child to school.....	2978a
Principal and teachers elected by board.....	2956
dismissal and suspension	2956
examination for position	2972
reprimand or expelled	2967
salaries	2956
Public records	2953
Religious belief—not be taught.....	2960
Report to Superintendent of Public Instruction.....	2974
Reprimanding or expelling teachers and employes.....	2967
members of board	2967
Revenue for year—not to exceed.....	2954
Salaries—not to be changed during year.....	2956
School Fund from State.....	2970-2974
Secretary elected by board—term.....	2962
bond—duties	2962
depository—to be selected by.....	2962
fees and perquisites not allowed.....	2964
checks—how signed	2963
census—to employ enumerators	2974
Sectarian teaching prohibited	2960
Separation of white and colored children.....	2978
State school fund—city's part.....	2970-2974
Superintendent—elected—term	2965
duties	2965
Taxation for maintenance of schools.....	2969-2980-2981
city's portion of State fund.....	2970-2974
districts for	2974
how paid to school board.....	2969
reports—shall be made to Supt. Public Instructions...	2974
Teachers elected by board.....	2956
certificate—when void—revocation	2973
dismissal and suspension	2956
examination for position	2972
reprimanded or expelled	2967
salaries	2956

	SEC.
Text-books prescribed by board	2957
poor children provided with.....	2959
Truant officer—appointment and term.....	2978a
Truant officer—salary	2978a
Truant officer—duty	2978a
Truant schools	2978a-11a
Trustees elected in each legislative district.....	2949
application of funds	2954
appropriation of money	2952-2954
budget	2954
bribery	2963
contracts, etc.	2949
debate—not to be questioned for.....	2977
eligibility to office of.....	2975
eligibility—disqualified after election.....	2976
escheated property vested in.....	2971
expel or reprimand member	2967
estimated expenses for current fiscal year.....	2954
funds—disposition of	2949
income—not to exceed	2954
investigation of complaints.....	2966
lots—divided into	2949
monthly meetings	2951
oath of affirmation	2949
penalties for failure to make reports	2974
powers and duties	2949
principals and teachers—to be elected by.....	2956
principals and teachers—to fix salaries.....	2956
principals and teachers—may dismiss.....	2956
privileged in debate	2977
proceedings—recorded	2953
property—owner to acquire and hold and dispose of... ..	2949
public record	2953
qualifications	2975-6
qualifications—shall be judges of.....	2949
quorum	2951
reprimanded or expelled	2967
revenue for year—expenditures not to exceed.....	2954
rules and by-laws.....	2949-2950
rules and by-laws—how amended.....	2950
secretary of board	2962-4
term of office	2949
text-books to be used	2957
text-books—how changed	2957
vacancy—how filled.....	2949
vacancy—member becoming disqualified	2976
witnesses—power of summon	2966
Tuition—to be paid by children outside city limits....	2961

12. REVENUE AND TAXATION.

GENERAL PROVISIONS.

Ad valorem and poll taxes	2980
Appropriate—not more than 95 per cent. estimated revenue..	2982
Assessment—General Council to make.....	2980

SEC.

All taxes heretofore imposed.....	2979
Balances—unexpended credited next year.....	2982
City Attorney—when tax bills be turned over to.....	3005
Cash value—property to be assessed at	2984
Children's guardians—tax to pay board's expenses.....	2013
Corporations—assessment of	2984a
Deduction of taxes from obligations due by city.....	2753
Deficit tax—where less than 95 per cent. collected.....	2982
Diverted—not to be	2816-2980
Excess or deficiency—provision for	2982
Exemption from—park property	2850
Exemption from—manufacturing establishments.....	2980a
Evidence—to justify license fee.....	2019
Expenditures—limit—excess or deficiency.....	2982
Firemen's Pension Fund	2896a-16
Franchises—assessment of	2980-2984a
Franchise tax—how apportioned	2984a
Franchise tax—penalty for failure to pay.....	2984a
Franchise tax—lien for	2984a
Franchise tax—reports by corporations	2984a
Franchise tax—penalty for corporations failing to report....	2984a
Improvements—meaning of	2984
Income—tax on	2980
Invalid levy of tax—effect	2983
Juvenile Court—levy tax to support (See Ky. Stats., Sec. 331e-21).	
Land—meaning of term	2984
Land—when may be purchased by city.....	3005
Land—how long held	3005
Land—lien on	3006
Leasehold—lien on	3006
Levy to be subdivided	2981
Levy ordinance—failure to pass	2983
Levy—purpose for which levy may be made.....	2981
Levy—prior to 1893 valid	2979
Library—for	2801a-2981
License fee—may provide for.....	2980-3011
License fees—fixed by ordinance	3012
License fees—when paid	3013
Licenses—when to expire	3013
Licenses—to expire in one year	3014
Licenses—business, where to be conducted.....	3014
Licenses—liquor	3025
Licenses—to be exhibited	3020-1
Licenses—place of business changed.....	3014
Licenses—how authenticated	3015
Licenses—how transferred	3016
Licenses—may be graded	3017
Licenses—sworn statements in order to obtain.....	3017
Licenses—what to specify	3018
Limit of tax rate (see Constitution).....	

Manufacturing establishments—exemption of	2980a
Married woman—husband liable for taxes.....	3002-3
Ordinance fixing rate—levy subdivided	2981
Ordinance—levy—failure to pass—effect.....	2983
Ordinance—invalid—effect	2983
Ordinance—all taxes to be levied by	2980
Ordinance—to specify purpose for which levied.....	2980
Pension Fund	2896a-2896b
Personal property—meaning of	2984
Policemen's Pension Fund.....	2896b
Poll-tax	2980
Preceding year—when rate adopted.....	2983
Rents—appropriated for taxes	3003
Revenue—not more than 95 per cent. to be expended.....	2982
School purposes.....	2969, 2981
Stock—shares of in bank—when exempt.....	2984a
Subdivision of levy	2981
Tax bills—assessor to make out.....	2996
Tax bills—assessor to list with tax receiver.....	2996
Tax bills—as evidence	2996
Tax bills—when due	2996
Tax bills—how authenticated	2996
Taxes deducted from amount due taxpayer.....	2753
Tax levied to pay indebtedness (see Constitution).	
Tenant paying taxes—has lien.....	3004
Trade—tax on	2980
Tuberculosis Hospital—taxes for	3037c-5
Unexpended balances—credited to next year.....	2982

ASSESSMENT.

Additional assessment provided for.....	2986
Assessment in wrong name—correction	2991
excessive—remedies	2992
omission—five years	2991
retrospective	2991
Assessor to return at least five assessment books.....	2985
examine records and make inquiries.....	2989
tax bills—when to make out.....	2996
view property before assessing.....	2987
Bills—tax—Assessor to make out.....	2996
Bills—tax—Assessor to list with Tax Receiver.....	2996
Bills—tax—as evidence.....	2996
Bills—tax—when due	2996
Bills—tax—discount allowed	2996
Board of Equalization—elected by council.....	2993
assessment—may increase	2992
compensation	2993
complaints—to investigate	2992
failure of board to meet—effect.....	2994
failure of board to meet—taxpayer may complain.....	2994
failure of quorum—place filled.....	2993

Board of Equalization—(Continued).	SEC.
franchise assessment—corporation may object to....	2984a-7
increase assessment—may	2992
journal to be kept	2995
place and times of meeting.....	2995
quorum	2993
reconvene	2995
tax bills suspended	2994
time of meeting	2994
vacancies—how filled	2993
vacancies—temporary—to be filled by mayor.....	2993
Books—number to be returned	2985
Books—what to contain	2985
Books—time to remain open	2992
Corporations—assessment of	2984a
penalty for failure to report	2984a
paying tax—stock not taxable	2984a
Excessive assessment—complaint	2992-4
Exemption of manufacturing establishments	2980a
Former owners—how assessed	2990
Franchises—assessment of	2984a
notice of assessment	2984a
Heirs and devisees—how assessed	2990
Improvements—what included by	2984
Increase of assessment—notice	2992-3
Joint owners—how assessed	2990
lien, when effective	2990
Land—what it includes	2984
to be designated by lot number	2986
to be viewed before assessor	2987
Lien—when purchaser not affected	2990
Lots designated by number	2986
Maps—General Council to provide	2986
Mistake or omission in name	2986
notice of correction	2991
Omission—assessment within five years	2991
Owners and fiduciaries to return lists	2988
failing to return—proceedings	2988
Personal property—what it includes	2984
when stock in corporations exempt	2984a
Present estates—assessment against holder	2990
Property owners—to report list of property	2988
procedure upon failure to do so	2988
Railroads—assessment of	2980
franchise not to be assessed	2984a
Remainder and future estate outstanding	2990
Retrospective assessment—when to become effective....	2991-2992
Retrospective assessments—lein on	2991
notice of	2991
Stockholders in corporations paying franchise—when not re- quired to pay taxes on stock.....	2984a

	SEC.
Tax bills listed with Tax Receiver	2996-7
authentication	2996
when assessor to make out	2996
when become a debt	2996-2998
when bear interest	2998
when listed—when payable	2996
amount to be deducted from obligations due by city..	2753
time of making assessment	2985
wrong name—effect of	2991

COLLECTION.

Action to recover taxes	2998, 3005
Advertisement and sale	3002
Agent to pay out of income—liability	3003
Assessor to list tax bills with Tax Receiver	2996-7
Attorney for city—to pay money to Tax Receiver	3009
City may purchase at sale	3005
Commissioners Sink Fund—when to pay revenue into Treasury	3024
Decedent's estates—affidavit and demand unnecessary	3005
Discounts for prompt payment	2997
Distrain—unlawful—remedies	3008
what property exempt	3007
unlawful—remedy	3008
Fiduciaries to pay out of income—liability	3003
Garnishment of rents	3004
notice to tenant	3004
unlawful—remedies	3008
Infants and persons of unsound mind	2999-3007
Injunction to prevent distraint	3008
Interest—rate	2998
when begins	2998
Leasehold estate—lien upon	3006
Licenses provided for and paid into sinking fund	3011, 3025
Lien of city for taxes	3004-6
enforcement of	3005
released in part	3006
purchaser—when not affected	2990
Lunatics—committee to be notified	2999
Notice—to be given taxpayers	2999
Obligations due taxpayers—deducted	2753
Payable—when	2996
Penalties	3001, 3004
Personal representatives—lien of tax bill	2998
Real estate—lien upon	3006
purchased by city	3005
redemption of	3005
so purchased only to be held 5 years	3005
when not to be sold by less than two-thirds appraised value	3007
when particular estate to be sold	3007

	SEC.
Receiver Circuit Court—taxes paid to	3004-3009
Receiver of court to pay taxes	3009
Remedies for collection	2998-9, 3001
action to recover	3005
garnishment of rents	3004
garnishment of rents—when not to be made	3005
warrant	3001-2
Rents—lien for taxes against	3003-4
restraint for	3004
Sinking Fund Treasurer to collect licenses	2980
Suspension until complaint heard	2994
Suits for taxes—personal judgment	3005
distinct years sued on separately	3005
Tax bills listed with Tax Receiver	2996-7
listed with City Attorney	3005
unpaid—listed with Comptroller	3000-4
unpaid—when to be sued on	3005
Tax Receiver—bills listed with	2996-7
to collect taxes	2980
attorney for city to pay over to	3009
attorney for city—tax bills to be delivered to	3005
delinquent taxpayers notified	2999-3004
delinquent taxpayers—penalties	3001-4
false report—penalty	3000
list of unpaid bills filed with Comptroller	3000-3004
penalty for false report	3000
receiver of court to pay over to	3009
warrants—to be executed by	3002
warrants—advertisement and sale under	3002
Tenant—garnishment of rents due by	3004
notice to	3004
payment by—lien	3004
Unlawful distraint or garnishment	3008
remedies—injunction	3008
Warrants—unpaid tax bills	3001
advertisement and sale	3002
penalty allowed	3001

13. SINKING FUND.

Board of Commissioners—powers and duties	3010-8-9-3022 ²
who composes	3010
corporate name	3010
election and term	3010-3
eligibility	3010-4
vacancy	3010-3-15
oath	3010-5
not to speculate in bonds of city	3010-15
borrow money	3010-11
removal	3010-6-15

Bonds may be issued and sold	SEC. 3010
not to be made charge against fund unless provision made therefor	3010-8
may be purchased when	3010-9
when refunded	3010-10
effect of certificate by commission	3010-10
hereafter sold	3010-18
By-laws and rules	3010
deductions from	3010
deductions from	3010
Continued as before	3010
Control of public wharves	2860
Deposit of funds	3010-12
Depository to give bond	3010-12
Election of officers and employes	3010
Embezzlement—penalty for	3010-7
Investments—how made	3010-9
Licenses—powers as to	3017
to be collected by Treasurer Sinking Fund	2980
License Inspector—powers	3010-19
Money may be borrowed	3010-11
how withdrawn from bank	3010-12
Officers and employes—appointment of	3010
salaries	3010
terms of office	3010
Payments into treasury	2980-3024
President of—compensation	3010
Refunding bonds	3010-10
Resources of—used to pay interest and principal	3010-8
Seal—may have or do without	3010-8
South Louisville bonds	3010-14
Taxes—levy for Sinking Fund	2981
Treasurer and Secretary	3010-16
how selected	3010-16
bond and term	3010-16
duties	3010-16
embezzlement	3010-16
reports	3010-16
may consent to change in business location of licensee	3014
appeal from	3017
to collect license fees	2980
to pay same to City Treasurer	2980
to report to Comptroller	2980
term of office and compensation	3010
Vacancies—how filled	3010-3
Water Company stock	3010-13

14. LICENSES—GENERALLY.

	SEC.
Agents of non-residents—liability	3014
Appeal to commissioners	3017
Application for—sworn statement	3017
Authentication of	3015
Business—where to be conducted	3014
Business—place of changed	3014
Change of place of business	3014, 3018
Conviction for doing business without	3023
Dogs	3011
Enforcement of license law	3022
Evidence of person's liability to pay	3019
Exhibited—license to be	3020-1
Expire—when to	3013-14
Fees—city may provide for	2980-3011
fixed by ordinance	3012
when paid	3013
may be graded	3017
Grade of license—how ascertained	3017
Liquor license (see heading "Liquor License").	
Name and place of business specified	3018
Occupation—generally	3011
One year only to run	3014
Ordinance—license fees fixed by	3012
Paid in advance	3013
Payment into Sinking Fund	3011
Peddlers to carry and exhibit	3021
Penalties for engaging in business without	3011
Professions—generally	3011
Provisions for other licenses	3012
Specification—what license to specify	3018
Trades—generally	3011
Treasurer and Secretary to ascertain grade	3017
Transfer of unexpired license	3016

LIQUOR LICENSE.

Amount of tax	3025
Amount of tax—General Council to fix	3025
Appeal to Circuit Court	3033-3034
Application—how and when made	3031
bond of applicant	3031
deposit by applicant	3036
facts—to contain	3031-3036
failure to pay after application approved	3037
fee—when to be paid	3035

Application—(Continued).	SEC.
notice—publication	3032
publication	3032
qualification of applicant	3033
receipt—to be filed with	3036
refusal of	3033
remonstrance	3032
sworn to by applicant	3031
sworn to by two citizens	3031
transfer—how and when made	3031
Authorizes sale of spirituous, vinous and malt liquors	3026
Bond to be given	3031
Deposit by applicant	3036
Displayed—license to be	3036
Druggists and apothecaries—may sell on prescription	3028
not to sell as beverage	3028
penalty for violation	3028
Exhibition of license	3036
License—what to specify	3036
to be hung up	3036
License Board—who constitutes	3030
chairman and secretary	3030
revoking license—appeal	3034
Lost or destroyed license	3029
One form of license	3025
One year only—license good for	3029
Prepayment of license	3035
Qualification of applicant	3033
Refusal of license	3033
Remonstrance	3032
Retail and wholesale dealers—who deemed	3027
Revoke—when board may	3034
appeal from	3034
Surrender of unexpired license—deduction	3029
Transfer of unexpired license	3029-3031
application for—how made	3031
Unexpired term—allowance for	3029
Wholesale dealer—who deemed	3027

INDEX TO RULES OF BOARD OF ALDERMEN.

	Rule.
Adjourn	22 23
Aldermen, Board of—call by five members	1
Amendments—to motion	22, 26, 48
when not in order	28
Amending—rules, notice to be given	40
orders of the board	40
rules or orders, unless two-thirds concur	41
motions	22, 26
Appeals	7
one member may	3
Appropriation—when exhausted	42
Bonds—committee report any time	12
Business—order of	4, 5
unfinished	4, 30
new, by roll	4
from city officers	4
Call—Board of Aldermen	1
Censure of members	1, 15
City officers—business from	4
Claims—registered	13
Clerk—read motion	20
Committees—appointed	11
privilege to report	12
report next regular meeting	35
report in writing if requested	35
special report	4
standing report	4
of the whole	46, 47, 48, 49
of the whole arise	50
revision report	12
bonds report	12
contracts report	12
not to sit during council meeting	11
revision to sit during council meeting	11
Contracts—committee report at any time	12
Cushing's Manual	51
censured	1
send for absentees	1
election by	29
committee of the whole	46, 47, 48, 49
Debate—address President	14
President name first to speak	16
speak more than twice	17
speak more than once	17
speak longer than five minutes	17
Elections—by Board of Aldermen	29
Joint Rules	page 838
Journal—read and approved	2, 4

	Rule.
Lay on table—motion to	22
Manual—Cushing's	51
Mayor—communications from	4
Members—call for division	25
speak more than twice	17
speak more than twice	17
not to speak longer than five minutes	17
not permitted to leave	18, 45
excused from voting	19
one may appeal	3
not to entertain private discourse	18
censured	1, 15
call to order	15
required to vote	19
not to speak without leave	30
name to be called twice	43
Memorials presented	41
Minutes of preceding meeting	2, 4
Motions—when in possession of board	21
may be withdrawn	21
amendments to	22, 26
postpone	22
committed	22, 27
when not in order	23
to proceed with orders of the day	34
to dispense with orders of the day	34
to dispense with any rule	34
to commit	34
to recommit	34
previous question	22, 24
adjourn	22
lay on table	22
New business	4
Officers—business from	5
Ordinances—to be read	37
on their passage	38
yeas and nays to be called	32, 39
out of order	42
expenditures of money to be endorsed	43
out of regular order	37
rejected	36
for appropriations of money, improving streets, alleys or sidewalks, wells or cisterns, yeas and nays shall be called	30
Organization of General Council	page 824
Pay rolls—registered	13
Persons on floor of council	44
Petitions presented	31
President and three members adjourn	1
may speak	3, 9
vote	8
pro tem	9, 10
appoint committees	11

President—(Continued).	Rule.
may require report in writing	35
name first to speak	16
state motion	20
addressed	14
or any member, desire it, motion in writing	20
Call members to order	2, 15
sign journal	2
preserve order and decorum	3
Previous question	22, 24
Propositions rejected	36
Questions—form of	6
every member to vote unless excused	19
division	7, 25
Under debate—motion in order	22
previous question	22, 24
lost by adjournment	30
Reconsider—vote	34
Revision Committee—report any time	12
Reports—committee	22, 27
to be in writing if required	20, 35
if against, reason to be given	20, 35
Resolutions—rejected	36
out of order	42
expenditure of money to be endorsed	43
out of regular order	34
Rejected—propositions	36
ordinances	36
resolutions	36
Rules—governing committee of the whole	46, 47, 48, 49
dispensed with	40
Joint rules	page 838
Special committees—reports	4
Standing committees—reports	4
Unfinished business	4
Undebatable motions—to commit	34
to recommit	27, 34
previous question	22, 24
lay on table	22
adjourn	22
Vote—form of	6
division	7
President	8
every member unless excused	19
reconsider	34
Vouchers—registered	13
Roll—for new business	4
Yeas and nays—when called	32, 39
when called, President votes first	8

INDEX TO RULES OF BOARD OF COUNCILMEN.

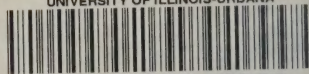
	Rule.
Adjourn	22, 23, 52
Amendments—to motion	22, 27, 41, 55
when not in order	29
Amending—rules, notice to be given	45
orders of the board	45
rules or order, unless two-thirds concur	46
motions	22, 27
Appeals	7
one member may	3
Appropriations—when exhausted	47
Board of Aldermen—business from	4, 43
business to	44
Bonds—committee report any time	12
Business—order of	4, 5
unfinished	4, 13
new, by wards	4
from Board of Aldermen	4, 43
from city officers	4
Call—Board of Councilmen	1
Censure of members	1, 15
City officers—business from	4
Claims—registered	13
Clerk—read motion	20
read business from Board of Aldermen	43
business to Board of Aldermen	44
obtain receipt for papers	53
make memoranda for papers	53
Committees—appointed	11
privilege to report	12
report next regular meeting	38
report in writing if requested	38
special report	4
standing report	4
of the whole	53-4-5-6-7
of the whole arise	57
revision report	12
bonds report	12
contracts report	12
not to sit during council meeting	11
revision to sit during council meeting	11
receiving papers	52
Contracts—committee report any time	12
Councilmen—Board of—Call by five members	1
censured	1
send for absentees	1
business of Board of Aldermen	44
elections by	30
committee of the whole	53, 54
Cushing's Manual	58

	Rule.
Debate—address President	14
President name first to speak	16
Speak more than twice	17
speak more than once	17
speak longer than five minutes	17
Elections—by the Board of Councilmen	30
Joint rules	page 839
Journal—read and approved	2, 4
Lay on table—motion to	22
Manual—Cushing's	58
Mayor—communication from	4
Members—call for division	26
speak more than once	17
speak more than twice	17
not name member in debate	35
not to speak longer than five minutes	17
not permitted to leave	18, 50
excused from voting	19
one may appeal	3
one may refer papers	36
not to entertain private discourse	18
censured	1, 15
call to order	15
required to vote	19
not to speak without leave	31
name to be called twice	34
receiving papers	52
Memorials presented	32
Minutes of preceding meeting	2, 4
Motions—undebatable, cannot explain vote	24
when in possession of board	21
may be withdrawn	21
amendments to	22, 27
committed	22, 28
when not in order	29
to proceed with orders of the day	37
to dispense with orders of the day	37
to dispense with any rule	37
to commit	37
to recommit	28, 37
previous question	22, 25
adjourn	22
lay on table	22
New business	4
Organization of General Council	page 824
Officers—business from	4
Ordinances—to be read	40
on its passage	41
yeas and nays to be called	33, 42
out of order	47
expenditure of money to be endorsed	48

Ordinances—Continued.	Rule.
out of regular order	37
rejected	39
For appropriation of money, improving streets, alleys or sidewalks, wells or cisterns, yeas and nays shall be called	42
Pay rolls—report	4
registered	13
Persons on the floor of council	49
Petitions presented	32, 35
President and three members adjourn	1
may speak	3, 9
vote	8
pro tem	9, 10
appoint committees	11
may require report in writing	38
names first to speak	16
state motion	20
addressed	14
or any member, desire it, motion in writing	20
call members to order	2, 15
sign journal	2
preserve order and decorum	3
Previous question	22, 25
Propositions rejected	39
Questions—form of	6
every member to vote unless excused	19
Questions—division	7, 26
under debate—motion in order	22
previous question	22, 25
lost by adjournment	31
Reconsider—vote	36
Referring papers	35
Revision Committee—report any time	12
Reports—committed	28
to be in writing if required	20, 38
if against, reason to be given	20, 38
Resolutions—rejected	39
out of order	47
expenditure of money to be endorsed	48
out of regular order	37
Rejected—propositions	39
ordinances	39
resolutions	39
Rules—governing committee of the whole	56
dispensed with	45
joint rules	page 838
Special committees—reports	4
Standing committees—pay-roll and vouchers	4
reports	4
Unfinished business	4

	Rule.
Undebatable motions—to commit	37
to recommit	28, 37
previous question	22, 25
lay on the table	22
adjourn	22
Vote—form of	6
division	7
President	8
every member unless excused	19
reconsidered	37
shall not explain	24
Vouchers—report	4
registered	13
Wards—for a new business	4
Yeas and nays—when called	33, 42
when called, President votes first	8
when called, cannot explain	24

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